

## NORTH CAROLINA

Bascombe N. Allen to be postmaster at Blue Ridge, N. C. Office became Presidential July 1, 1940.

Emily T. Walkingstick to be postmaster at Cherokee, N. C. Office became Presidential July 1, 1940.

Jasper J. Smith to be postmaster at Pink Hill, N. C. Office became Presidential July 1, 1940.

Dewey E. Edwards to be postmaster at Pisgah Forest, N. C. Office became Presidential July 1, 1940.

## NORTH DAKOTA

Iver D. Thue to be postmaster at Stanton, N. Dak., in place of T. G. Bohrer, removed.

## OHIO

Adolph E. Baker to be postmaster at West Manchester, Ohio. Office became Presidential July 1, 1940.

## OREGON

Walter F. Petersen to be postmaster at Lapine, Oreg. Office became Presidential July 1, 1940.

## PENNSYLVANIA

Roy D. Zimmerman to be postmaster at Cleona, Pa. Office became Presidential July 1, 1940.

Helen K. Kurtz to be postmaster at Vintage, Pa. Office became Presidential July 1, 1940.

## SOUTH DAKOTA

Ruth I. Kern to be postmaster at Lake Andes, S. Dak., in place of R. C. Baker. Incumbent's commission expired June 16, 1940.

Ambrose H. Manion to be postmaster at Rosebud, S. Dak. Office became Presidential July 1, 1940.

## TENNESSEE

Lucile Brown to be postmaster at Cornersville, Tenn. Office became Presidential July 1, 1940.

Lawrence Gordon Gill to be postmaster at Decherd, Tenn., in place of R. M. Austin, resigned.

## TEXAS

Cora G. Tidwell to be postmaster at Avoca, Tex. Office became Presidential July 1, 1940.

## VIRGINIA

Gerdena S. Pettit to be postmaster at Fredericks Hall, Va. Office became Presidential July 1, 1940.

Robert C. Smith to be postmaster at Haymarket, Va. Office became Presidential July 1, 1940.

John S. Hinegardner to be postmaster at Weyers Cave, Va. Office became Presidential July 1, 1940.

## WASHINGTON

Ethel L. Baker to be postmaster at Des Moines, Wash. Office became Presidential July 1, 1940.

## CONFIRMATIONS

*Executive nominations confirmed by the Senate October 7 (legislative day of September 18), 1940*

## UNITED STATES CIRCUIT COURT OF APPEALS

Harvey M. Johnsen to be judge of the United States Circuit Court of Appeals for the Eighth Circuit.

## UNITED STATES DISTRICT JUDGE

William J. Campbell to be United States district judge for the northern district of Illinois.

## UNITED STATES ATTORNEY

J. Albert Woll to be United States attorney for the northern district of Illinois.

## PROMOTIONS AND APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

(NOTE.—The names of the persons whose nominations for promotion, or transfer, in the Regular Army were today confirmed by the Senate will be found, under the caption "Nominations," in the CONGRESSIONAL RECORD of October 4, 1940, beginning on p. 13217.)

## HOUSE OF REPRESENTATIVES

MONDAY, OCTOBER 7, 1940

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord God, we wait at the altar of prayer. As we recall Thy love and mercy, let these moments be the soul's sublimest mood and its most eloquent speech. O Man of Galilee, Be Thou our teacher, our happy guest, and our quiet visitor today, always the same in heart and purpose. The wise plans which we took up with so much ardor and enthusiasm, may they not be cast aside. Those high hopes, cherished and born by such fond ambitions, those resolutions so sincerely formed, those vows which we made on bended knee, grant dear Lord that they may not be neglected, while the world holds sway round about us and they become life's sorrowing retrospect. With the spirit of a seraph, open our ears to the melodies of Nature and our eyes to catch the beatific vision: "The heavens declare the glory of God and the firmament showeth His handiwork." Every star is aflame with glory; every bush, like that at Horeb, is a tongue of fire, and the sound of many waters is the voice of the Lord. Heavenly Father, this human life, throbbing, eager, and feverish with its mingled lights and shadows, joys and sorrows, dreams and disillusion; with its pathos and laughter, is out of harmony with the divine will. O Thou who knowest the human heart, still its noblest passions until its emotions are resolved into the deeds of the Christ life. In His holy name. Amen.

The Journal of the proceedings of Friday, October 4, 1940, was read and approved.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On September 13, 1940 (1 p. m., eastern standard time):

H. J. Res. 602. Joint resolution to authorize Jesse H. Jones, Federal Loan Administrator, to be appointed to, and to perform the duties of, the office of Secretary of Commerce.

On September 24, 1940:

H. R. 4031. An act to confer jurisdiction on the Court of Claims to hear, determine, and render judgment upon the claim or claims of the Recording & Computing Machines Co., of Dayton, Ohio;

H. R. 8551. An act for the relief of Xenophon George Panos;

H. R. 10026. An act to provide for the disposition of certain photographed records of the United States Government, and for other purposes;

H. R. 10176. An act authorizing the Secretary of the Interior to issue patents for lands held under color of title;

H. R. 10438. An act to extend the age limits for applicants for appointment as midshipmen at the United States Naval Academy;

H. J. Res. 596. Joint resolution to authorize Commander Howard L. Vickery to hold the office of a member of the United States Maritime Commission;

H. J. Res. 445. Joint resolution to establish a Commission for the Celebration of the Two Hundredth Anniversary of the Birth of Thomas Jefferson; and

H. J. Res. 607. Joint resolution making additional appropriations for the Military Establishment for the fiscal year ending June 30, 1941.

On September 26, 1940:

H. R. 10361. An act to provide for increasing the lending authority of the Export-Import Bank of Washington, and for other purposes.

On October 4, 1940:

H. R. 532. An act for the relief of W. J. Hance;

H. R. 5771. An act for the relief of Louis St. Jacques;

H. R. 6230. An act for the relief of James Murphy, Sr.;

H. R. 6605. An act for the relief of Louis A. Charland;

H. R. 9688. An act to provide for the advancement on the retired list of any officer of the Navy or Marine Corps retired pursuant to the provisions of section 13 or 15 (e) of the act of June 23, 1938;

H. R. 9898. An act to further amend section 13a of the National Defense Act so as to authorize officers detailed for training and duty as aircraft observers to be so rated, and for other purposes; and

H. R. 10036. An act for the relief of John A. Kames.

#### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 9654. An act to extend for an additional year the provisions of the Sugar Act of 1937 and the taxes with respect to sugar; and

H. R. 10518. An act granting the consent of Congress to the department of highways and the county of Big Stone, State of Minnesota, to construct, maintain, and operate a free highway bridge across the Whetstone Diversion Channel at or near Ortonville, Minn.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 2753. An act to amend part I of the Interstate Commerce Act, as amended, with respect to the use of refrigerator cars; and

S. 4249. An act for the relief of the widows of the late George A. Meffan and John Glenn.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10539) entitled "An act making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10094) entitled "An act to require the registration of certain organizations carrying on activities within the United States, and for other purposes."

The message also announced that the Senate insists upon its amendments to the bill (H. R. 9972) entitled "An act authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BAILEY, Mr. SHEPPARD, and Mr. JOHNSON of California to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H. R. 10412) entitled "An act to expedite the provision of housing in connection with national defense, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. CONNALLY, Mr. TRUMAN, and Mr. HALE to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 844. An act to simplify the accounts of the Treasurer of the United States, and for other purposes.

#### THE LATE HONORABLE HEARTSILL RAGON

Mr. TERRY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. TERRY. Mr. Speaker, it is with profound regret that I rise to announce to my colleagues the sudden death on September 15, 1940, of Judge Heartsill Ragon, of Fort Smith, Ark., a former member of this body and my predecessor as Representative from the Fifth Arkansas District.

Heartsill Ragon was born in Logan County, Ark., in 1885; was educated at Clarksville High School, College of the Ozarks, University of Arkansas, and Washington and Lee University. He began the practice of law at Clarksville immediately after his graduation from Washington and Lee. He represented Johnson County in the State legislature for two terms, 1911 to 1913, and he was elected district attorney for the fifth judicial district of Arkansas for two terms, 1916 to 1920.

He was elected to the Sixty-eighth, Sixty-ninth, Seventieth, Seventy-first, Seventy-second, and Seventy-third Congresses. While in the House he served on the Ways and Means Committee, ranking next to Chairman DOUGHTON, and I am informed that he was one of the leading members of that committee and wielded a powerful influence in the formation of its policies.

In the spring of 1933, Mr. Ragon resigned from Congress to accept an appointment from President Roosevelt as judge of the Federal court for the western district of Arkansas. During his 7 years' service on the bench he made an outstanding record for his knowledge of the law, and his fair and impartial handling of all litigation in his court.

I am informed that at the time of his death Judge Ragon was being favorably considered for promotion to the Circuit Court of Appeals for the Eighth United States Circuit to fill a vacancy in that court.

In 1916, Judge Ragon married Miss Mattie Smith, of Dumas, Ark., one son, Heartsill Ragon, Jr., being born to the union.

Judge Ragon was a brilliant speaker, a keen debater, and a strong advocate of whatever cause he espoused. I am informed that he had the confidence and friendship of all Members on both sides of the aisle, and it was freely predicted that his leadership qualities would have carried him far in the event he had chosen to remain in the Congress.

His family life was ideal and he was a valuable citizen in the community wherein he lived. Having been a poor boy himself and having come up the hard way, he was always untiring in his efforts to help the youth of his community. He was very active in promoting a boys' club for the underprivileged boys in Fort Smith and was mainly instrumental in the success of the drive for funds for its construction.

In the death of Judge Ragon the State of Arkansas lost a fine citizen and the United States an able judge. I am sure that the House joins with the Arkansas delegation in expressing to the members of his family its sorrow at the untimely passing of this good and great man.

[Here the gavel fell.]

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McCORMACK. Mr. Speaker, I join with the Arkansas delegation in expressing keen regret in the death of our late friend and former colleague, Judge Heartsill Ragon.

It was my pleasure as a new Member of the House 12 years ago to have an office next door to the late Judge Ragon. During the several years he was in Congress, after my election to this body, he took a very close personal interest in me, and between us there developed a strong friendship, one that I regret to see terminated by the early and unfortunate death of my late friend.

My late friend was one of the outstanding Members of this body, one of the strongest members of the Ways and Means Committee, one who loved his membership in this body, and one who made his mark in the Halls of Congress. It is with great regret that I learned of the death of my late friend, and I know that all Members in this body who served with the late Judge Ragon join with the distinguished gentleman from Arkansas [Mr. TERRY] and myself in expressing our keen regrets upon his death, and in conveying to Mrs. Ragon and to his relatives our sincere feelings of sympathy in their great loss and sorrow.

[Here the gavel fell.]

Mr. TREADWAY. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. TREADWAY. Mr. Speaker, I wish to add a few words, on behalf of the Republican minority of the Ways and Means Committee, in tribute to the memory of the late Heartsill Ragon, of Arkansas, who was formerly an honored and valuable member of our committee.

Judge Ragon was loved and respected by all who knew him. He was a conscientious legislator, a profound student of government, and he served his country with fidelity and industry. Above all, he was a true gentleman.

Our late colleague became a member of the Ways and Means Committee at the opening of the second session of the Seventieth Congress in December 1928 and soon distinguished himself as an expert in the difficult science of taxation. When, in 1933, he resigned his seat in the House to accept appointment as a Federal judge he was one of the ranking members on the Democratic side of the committee. Had he continued in the service of this body he would be next in line for the chairmanship of that great committee and perhaps might have received even higher honors at the hands of his Democratic colleagues.

I am sure I speak for every member of the Republican minority, both of the Ways and Means Committee and of the House, when I say we are saddened by the untimely death of our late colleague, whom we had learned to love so well.

[Here the gavel fell.]

Mr. COOPER. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The Speaker. Without objection, it is so ordered.

There was no objection.

Mr. COOPER. Mr. Speaker, it is a privilege to me to join with the members of the Arkansas delegation and other colleagues in raising my voice in brief tribute to the life, character, and public service of the late Honorable Heartsill Ragon, of Arkansas. It was my privilege to serve with him here for several years before his voluntary retirement, and also to be a member of the Ways and Means Committee during part of his period of service there.

He was a man who possessed the highest attributes of Christian character, all of the sterling qualities of manhood; a man of great ability, of demonstrated devotion to public service, a very accomplished legislator; a man who made an outstanding record as a Member of the House of Representatives and who later distinguished himself as an eminent jurist. I feel confident that all Members of this body join in the expression of very deep regret at his untimely passing and convey heartfelt sympathy to his widow and the members of his family.

It is with regret that our distinguished chairman the gentleman from North Carolina [Mr. DOUGHTON] is unavoidably detained and not permitted to be present at this time, as I am confident that he would like to pay tribute to Mr. Ragon and will doubtless do so at a later date.

[Here the gavel fell.]

Mr. NORRELL. Mr. Speaker, I ask unanimous consent to proceed for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas [Mr. NORRELL]?

There was no objection.

Mr. NORRELL. Mr. Speaker, I was too much of a friend of Judge Ragon in his lifetime to permit this opportunity to pass without adding something to what has already been said. In addition to being a great judge, a very able lawyer, one of the outstanding Congressmen in the Nation when he was a Member of this body, and in addition to being one of the finest Federal judges of the Nation, soon in line for promotion, he was a Christian gentleman; and I have lost a very fine friend.

[Here the gavel fell.]

#### EXTENSION OF REMARKS

Mr. BOEHNE asked and was given permission to extend his own remarks in the RECORD.

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include

therein a communication from Mr. Bledsoe, a resident of Mississippi to the dean of the department of agriculture of the University of Wisconsin.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a statement entitled "Some Observations on the Farm Program."

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. McKEOGH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein some valid and patriotic reasons why President Roosevelt should be elected for a third term.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a newspaper article.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to include in my remarks a recent ruling of the Comptroller General regarding longevity pay of the National Guard.

[Mrs. ROGERS of Massachusetts addressed the House. Her remarks appear in the Appendix of the RECORD.]

#### REGISTRATION OF CERTAIN ORGANIZATIONS

Mr. HOBBS. Mr. Speaker, I file a conference report and statement on the bill (H. R. 10094) to require registration of certain organizations carrying on activities within the United States, and for other purposes, for printing under the rule.

#### TRANSFER OF ARLINGTON FARM

Mr. JONES of Texas. Mr. Speaker, I file a conference report and statement on the bill (S. 4107) to transfer the jurisdiction of the Arlington Farm, Va., to the jurisdictions of the War Department and the Department of the Interior, and for other purposes, for printing under the rule.

#### EXTENSION OF REMARKS

Mr. McLAUGHLIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a Nation-wide broadcast on the subject, The Midwest and the National Defense Program, which I made from Washington, D. C., over the blue network of the National Broadcasting Co., on Saturday night, October 5, 1940.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

#### AN INVITATION TO COLORADO

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. CUMMINGS. Mr. Speaker, I wish to use this minute to invite you and your friends to visit the Rocky Mountain National Park in Colorado. Colorado is the highest State in the Union, having 70 mountain peaks over 14,000 feet; skiing in winter, trout fishing and snowballing in the summer; hotel rates and cabins to suit everyone's purse.

This park was visited by 628,000 people this year, and 183,585 automobiles had checked through the park when the season closed. You can reach the park and go through, attaining elevations of 12,000 feet on hard-surfaced roads, without shifting gears.

The village of Estes Park is the principal port of entrance from the east. It has a chamber of commerce of whom Mr. L. H. Kittell is secretary. Write him to obtain literature and I am sure you will visit us.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.  
There was no objection.

[Mr. WOODRUFF of Michigan addressed the House. His remarks appear in the Appendix of the RECORD.]

#### EXTENSION OF REMARKS

Mr. BOLLES. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein some letters and an editorial.

The SPEAKER. Without objection, it is so ordered.  
There was no objection.

Mr. KEAN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an article from the Atlantic City Press.

The SPEAKER. Without objection, it is so ordered.  
There was no objection.

Mr. TERRY. Mr. Speaker, I ask unanimous consent that the Members of the Arkansas delegation may have 5 days within which to extend their remarks on the life, character, and public service of Judge Heartsill Ragon.

The SPEAKER. Without objection, it is so ordered.  
There was no objection.

Mr. KELLER. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on three different subjects.

The SPEAKER. Without objection, it is so ordered.  
There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. KELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Without objection, it is so ordered.  
There was no objection.

Mr. KELLER. Mr. Speaker, I simply want to call the attention of the House for a moment to the fact that I am putting in the RECORD of today's date my ideas concerning the Bridges case. I call attention to it because I am one of the few who voted against the resolution to banish Bridges. I am setting out in these extensions my personal feelings and opinions in the matter. I am doing the best I can with the aid of two splendid young lawyers in the Government service to present the legal side which I believe deserves the attention of every lawyer here, and I hope the moral support of all those who are not lawyers.

[Here the gavel fell.]

#### PERMISSION TO ADDRESS THE HOUSE

Mr. ROUTZOHN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute, and to revise and extend my own remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. ROUTZOHN]?  
There was no objection.

[Mr. ROUTZOHN addressed the House. His remarks appear in the Appendix of the RECORD.]

#### EXTENSION OF REMARKS

Mr. CELLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in two particulars, first on the subject of drydocks in New York, and second, on the subject of the colored race.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. CELLER]?  
There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. ANDERSON of Missouri. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Missouri [Mr. ANDERSON]?  
There was no objection.

[Mr. ANDERSON of Missouri addressed the House. His remarks appear in the Appendix of the RECORD.]

#### EXTENSION OF REMARKS

Mr. LEAVY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a short

article from La Follette's Progressive magazine by Richard N. Newberger in reference to Wendell Willkie and public power.

The SPEAKER. Is there objection to the request of the gentleman from Washington [Mr. LEAVY]?  
There was no objection.

Mr. VOORHIS of California. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD on two different subjects.

The SPEAKER. Is there objection to the request of the gentleman from California [Mr. VOORHIS]?  
There was no objection.

Mr. GILLIE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and to include an article from the Chicago Journal of Commerce.

The SPEAKER. Is there objection to the request of the gentleman from Indiana [Mr. GILLIE]?  
There was no objection.

Mr. GEHRMANN asked and was given permission to extend his own remarks in the RECORD.

#### WENDELL WILLKIE AND THE STATE OF PENNSYLVANIA

Mr. GROSS. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to extend my own remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. GROSS]?  
There was no objection.

Mr. GROSS. Mr. Speaker, Wendell Willkie has been through Pennsylvania and the crowds could only be estimated by the acre, but is there any wonder? Under the conscription law the President now has absolute control of the Army and Navy, absolute control of the currency and the value thereof, and control of the \$22,000,000,000 of gold at Fort Knox, and the absolute control of industry. He can take over the industry of every political enemy of the New Deal without notice or court procedure. I am afraid that law is going to be enforced like the income-tax law, only on political enemies. Wallace is a still more dangerous man. Where will the President stop? Now he is calling on the people to purge Congress of all Members who do not blow through his whistle. I want to tell you that the way the people are coming out and following Wendell Willkie is evidence of how this country feels with reference to the way the President is acting. Considering or comparing the above-named powers with those of Stalin, Hitler, or Mussolini, I am asking this House what is the difference? The dictators annihilate those who have the courage to disagree. The President eliminates by the purge. When will he change his ways or his mind? [Applause.]

[Here the gavel fell.]

#### PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my own remarks at this point in the RECORD.

The SPEAKER. The gentleman from Michigan [Mr. HOFFMAN] asks unanimous consent to speak for 1 minute and to revise and extend his remarks in the RECORD. Is there objection?

Mr. HOFFMAN. Mr. Speaker, the only reason I made that request was to get a definite ruling on it. I know they have been doing it all morning.

The SPEAKER. Gentlemen who speak with reference to deceased Members are the only ones who are granted that permission.

Mr. HOFFMAN. No; I did not mean that, Mr. Speaker.

The SPEAKER. No one has made that request and received that permission this morning that the Chair knows anything about. At least, if he did, his voice was so weak that the Chair did not hear him, or else the Chair would have made the same ruling he makes in the case of the gentleman from Michigan.

Mr. HOFFMAN. I am not complaining of any discrimination at all, but I just understood the gentleman from Illinois

[Mr. KELLER] to get by with that kind of a request just a moment ago.

Mr. KELLER. What request?

Mr. HOFFMAN. Extending his own remarks in the RECORD.

The SPEAKER. He did, but not "at this point."

Mr. HOFFMAN. "At this point"?

Mr. KELLER. No.

The SPEAKER. Does the gentleman from Michigan desire to address the House for 1 minute?

Mr. HOFFMAN. No. I will put it in the RECORD later in the day.

#### EXTENSION OF REMARKS

Mr. JENKINS of Ohio, Mr. BENDER, and Mr. SHANLEY asked and were given permission to extend their own remarks in the RECORD.

Mr. RISK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a speech delivered by the gentleman from Rhode Island [Mr. SANDAGER].

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. LeCOMPTE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. BRADLEY of Michigan. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an article from the Coast Guard magazine.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CULKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein an address delivered by me before the local lodge of the National Grange at Lowville, N. Y.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. HORTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD in two different instances on the same subject.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein several brief quotations supporting my statements.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### REPUBLICAN CONFERENCE

Mr. WOODRUFF of Michigan. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WOODRUFF of Michigan. Mr. Speaker, I wish to announce that immediately following the adjournment of the House this afternoon a Republican conference will be held in this Chamber, and I hope everyone can be present.

Mr. SABATH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. SABATH. Mr. Speaker, the gentleman from Michigan [Mr. WOODRUFF], chairman of the Republican caucus, has just given notice that a Republican conference or caucus—I think a caucus—will be held this afternoon. To show that I am not unfriendly to my Republican colleagues, may I suggest to them that they consider bringing before

the people the accomplishments of the Republican Party under Harding, Coolidge, and Hoover. [Applause.]

#### REPUBLICAN ACCOMPLISHMENTS 1921-33

I appreciate your applause. That encourages me, unless you may prefer the people of this Nation to forget, to relate some of the outstanding accomplishments during the administration of Presidents Harding, Coolidge, and Hoover. I want to recall that unforgettable period, 1921-33, when you Republicans had in your power the reigns of this Government, and the fate of our people. Those were days of the festive Harding, of silent Cal, and of the great engineer.

Here, then, are some of your Republican achievements:

First. Taxes were reduced for all burdened with incomes of \$50,000 per year or more.

Second. More than \$3,000,000,000 of income tax was refunded those oppressed with inordinate riches, like the Mellons, du Ponts, Rockefellers, monopolistic corporations, and others.

Third. The Smoot-Hawley tariff bill was enacted to favor home industry. Its effect was to reduce our foreign markets almost to nothing; it estranged our friends throughout South America; it disrupted the economy of continental Europe and helped bring to power Mussolini and Hitler; it bolstered our pride and brought upon us, and the world, the severest depression of all time.

Fourth. The League of Nations was wrecked. That statesman Borah and his abettors thought their wisdom of foreign affairs supreme. Unlike the insect which knows enough to emerge from its cocoon, to fulfill its destiny in this world, they cajoled us back into our shell.

Fifth. The Kellogg treaty was ratified and \$100,000,000 worth of warships scrapped. The little yellow man who struts laughed and strutted bigger.

Sixth. The merchant marine, our second line of naval defense, was relegated to the scrap heap.

Seventh. Surplus naval oil was trafficked away during significant night cabals of Daugherty, Fall, and others in the little green house in Washington for the contents of a certain black bag.

Eighth. The stock exchange was encouraged to issue unheard amounts of watered paper. The wizards of finance were given governmental benediction. Like Midas, by touch, the Mellons, Whitneys, Insulls, Willkies, and their kind turned every scrap into gold certificates.

Ninth. The masses were invited into sacred fellowship of Wall Street. With camaraderie of bandits they were traded worthless engravings for savings. There was to be no end of profits—on paper.

Tenth. It was a new golden era. The abundant life flourished everywhere. Business was dying off, jobs rapidly were growing fewer. But Hoover promised a chicken for every pot and two cars for each garage.

Eleventh. The deficit was only \$7,000,000,000.

Twelfth. Then the bubble broke and leadership abdicated.

Thirteenth. The financial wizards lost their heads; banks lost their assets; insurance companies lost their hauteur; big business lost its arrogance; millions lost their jobs and other millions their savings; wheat, corn, and other agricultural products, cattle and hogs sold for one-fourth their present-day price, potatoes in carloads were not worth their freight; veterans were chased from Washington with bayonets; homes lost their values, soup-kitchens and bread lines became the style.

Fourteenth. And, Mr. Hoover announced:

The emergencies of unemployment have been met by action in many directions \* \* \* the time is ripe for forward action to expedite recovery.

He decided to—

put some steel beams in the foundations of our credit structure  
Albeit—

we do not require more money or working capital

Because—

our currency and bank deposits are protected by the greatest gold reserve in history \* \* \*

Yet, 9,000 banks were found insolvent before Mr. Hoover vacated the national ruin.

Fifteenth. Under such conditions Mr. Roosevelt took over to perform a Herculean task.

Up to now, my Republican friends have said very little about that 12-year record under Presidents Harding, Coolidge, and Hoover, but have devoted themselves to childish fault-finding with President Roosevelt's humanitarian policies. However, I must not ignore the fact that many of you gentlemen have voted for most of them, and that even your candidate for the Presidency, Wendell Willkie, has endorsed nearly all of them. However, lacking issues he has become so provoked that now he has descended to use of vulgar epithets unbecoming a Presidential candidate, and I feel it would stand him much better to stop arousing resentment on the part of the American people.

[Here the gavel fell.]

#### EXTENSION OF REMARKS

Mr. LAMBERTSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Appendix of the RECORD and include therein a short letter typical of many I am receiving.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

#### ANNIVERSARY OF THE BATTLES OF SARATOGA AND KINGS MOUNTAIN

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. RANKIN. Mr. Speaker, during this time of partisan strife and international turmoil I believe it is not out of place to call the attention of the House to the fact that today is one of the most important anniversaries in the history of this country. It is the one hundred and sixty-third anniversary of the Battle of Saratoga and the one hundred and sixtieth anniversary of the Battle of Kings Mountain.

On October 7, 1777, the Battle of Saratoga was fought. It resulted in one of the greatest victories achieved by our forces in the Revolutionary War. Strange as it may seem, the hero of that battle was Benedict Arnold, who later turned traitor to the American cause.

On October 7, 1780, exactly 160 years ago today, another great victory was won by our troops at the Battle of Kings Mountain, in which the Americans subdued the British forces under General Ferguson.

This success gave renewed hope to Washington and his followers and contributed greatly to the termination of the war at Yorktown a year later and the bringing forth upon this continent a new nation "conceived in liberty" and dedicated to the proposition that government derives its just powers from the consent of the governed. [Applause.]

[Here the gavel fell.]

#### PERMISSION TO ADDRESS THE HOUSE

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, you have heard the statement made by the gentleman from Mississippi as to what has happened in the past.

#### A BENEDICT ARNOLD

Now, if we have a break-down of that traditional ideal of the American people that two terms are enough for any one President of the United States, we will not only have a third term for a President of the United States, but a fourth term, a fifth term, and maybe a sixth term. Eventually it will mean dictatorship. We do not want any "Heil Roosevelt" in America. We want a constitutional form of government here, the kind that our forefathers established; and if we have that, it

will be the grandest thing that ever happened—a continuation of our form of government—freedom of speech, freedom of the press, freedom of religion. We will keep out of war. We want State rights. We want a job for all in industry. We want Willkie. Everybody wants a sound, sensible, sane, honest, business administration of the affairs of our great country, and they know it will take a man like Mr. Willkie to give us such an administration. [Applause.]

#### EXTENSION OF REMARKS

Mr. RANKIN asked and was given permission to revise and extend his own remarks in the RECORD.

#### CONTRACTS OF THE NAVY DEPARTMENT

Mr. VINSON of Georgia. Mr. Speaker, I call up a privileged report (H. Res. 614) and ask unanimous consent that the letter of the Secretary of the Navy be read in lieu of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read as follows:

DEPARTMENT OF THE NAVY,  
OFFICE OF THE SECRETARY,  
Washington, October 1, 1940.

The CHAIRMAN,  
*Committee on Naval Affairs, House of Representatives, Washington, D. C.*

MY DEAR MR. CHAIRMAN: House Resolution 614, requesting certain information from the Secretary of the Navy, was referred to the Navy Department by your committee with the request that the information called for in the resolution, if compatible with public interest, be furnished.

The resolution propounds five questions to the Secretary of the Navy. For purposes of clarity these questions are set forth in full herein, with the answer to each immediately following it:

(1) Has the Navy Department, or any official or representative thereof, entered into any contract for the construction of anything to be used in connection with our national-defense program, and especially contracts for the production of munitions of war, tanks, aircraft, artillery, including antiaircraft guns, warships, camps, cantonments, buildings, or structures of any kind, or furnishings for the same, which provides in substance, or is to the effect, that only members of a union are to be employed on such work?

The answer to this question is "No."

(2) Under any contract let by the Navy Department for any of the foregoing purposes, has any contractor or subcontractor, entered into any contract which in substance provides for the employment of only those men who belong to a designated organization?

The Navy Department knows of one such case. There are probably more, and in order to make a complete answer to this question it would be necessary to obtain information from every contractor and subcontractor of the Navy Department. The categorical answer to this question is "Yes."

(3) On any of the work above designated, has any contractor or subcontractor refused employment to any man otherwise qualified for the reason that he did, or did not, belong to a union?

(4) If, in answering the foregoing questions, it appears that men who are not members of a union have been denied employment because they were not members of a union, when they applied for work on any defense project or in any manufacturing industry which was engaged in making materials for the national defense, give three instances where men, for the reasons stated, were denied employment.

(5) If in any instance a demand has been made that only union men be employed on the work hereinbefore referred to, by whom was such demand made, and if the information is available, was the demand the result of a vote of the membership of the union, or of some official or officials of the union?

The Navy Department is unable to answer these three questions without getting in touch with every inspector on every contract.

In view of the urgency of this report there has been insufficient time to submit it to the Bureau of the Budget.

Sincerely yours,

FRANK KNOX.

Mr. VINSON of Georgia. Mr. Speaker, in view of the fact that the letter of the Secretary of the Navy gives the House the information that is now available in the Navy Department, I move that the resolution be laid on the table.

Mr. HOFFMAN. Mr. Speaker, will the gentleman withhold that a moment?

Mr. VINSON of Georgia. I withhold my motion in order to yield for a question.

Mr. HOFFMAN. This resolution asked for certain information which the House should have.

Mr. VINSON of Georgia. That is correct.

Mr. HOFFMAN. There is no question about that, is there, I will ask the chairman of the committee.

Mr. VINSON of Georgia. Not a bit. I have no objection and neither has the Navy Department, and the letter states positively that it is impossible to get the information right now. I will try to help the gentleman get the information in a more orderly time than the 7 days in which the resolution required a report.

Mr. HOFFMAN. Then I hope the gentleman will give some support to the resolution which I have introduced for the appointment of a committee to get this information because—

Mr. VINSON of Georgia. We will cross that bridge when we come to it. For the time being we have given all the information we can, and I have no objection to the Navy Department furnishing the gentleman and the House the information called for, and I think it is important information. So, therefore, Mr. Speaker, I move that the resolution be laid on the table.

The motion was agreed to.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, the resolution which was just put on the table was a resolution which called for very vital and necessary information. The chairman of the committee agrees with that. The Navy cannot supply it at this particular time. The information that I asked for was whether or not American citizens are being denied an opportunity to work on the national-defense program simply because they have not paid and will not pay, a fee to some union organizer.

Mr. VINSON of Georgia. Mr. Speaker, will the gentleman yield?

Mr. HOFFMAN. Yes.

Mr. VINSON of Georgia. The Secretary answered that "No." That is the very first question in the resolution that the Secretary answered.

Mr. HOFFMAN. The gentleman is in error. That was the answer to the first question, but the second question was whether they were being denied that opportunity by any subcontractor or contractors, and the Navy does not have that information. The request is broader than the first question and the answer is not "No"; it is that the Navy cannot answer—cannot give the information—and we should have it.

Mr. VINSON of Georgia. I am sure the gentleman can recognize that it is impossible for the Navy Department to get that and—

Mr. HOFFMAN. That is right.

Mr. VINSON of Georgia. We will try to cooperate with the gentleman to get that information.

Mr. HOFFMAN. But that does not do away with the necessity of that information being given to the House.

[Here the gavel fell.]

#### BATTLE OF SARATOGA AND KINGS MOUNTAIN

Mr. BOLLES. Mr. Speaker, I ask unanimous consent to proceed for 30 seconds.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. BOLLES. Mr. Speaker, I was very much interested in the remarks of the gentleman from Mississippi [Mr. RANKIN] in speaking of the Battle of Saratoga, which really won the Revolutionary War and the Battle of Kings Mountain which will stand out as one of the greatest battles and one of the finest of victories. Those victories were won by coon-skin capped soldiers, men from the fields and from the woods, and not one of them was conscripted. Every one was a volunteer. He volunteered for America to fight America's battles. [Applause.] It was not necessary, Mr. Speaker, to have a conscription law to win these historical, decisive conflicts. [Applause.]

[Here the gavel fell.]

#### COMPENSATION OF MASTERS AT ARMS AND GUARDS AT NAVY YARDS— VETO MESSAGE OF THE PRESIDENT OF THE UNITED STATES

The Speaker laid before the House the following veto message from the President of the United States, which was read by the Clerk:

#### To the House of Representatives:

I return herewith, without my approval, H. R. 10405, Seventy-sixth Congress, entitled "An act to provide for adjusting the compensation of persons employed as masters at arms, and guards at navy yards and stations, and for other purposes." This bill proposes to raise the salaries of guard forces of the Naval Establishment by the method of allocating them by law to grades 5 to 10 in the Custodial Service in the Classification Act of 1923, as amended.

This bill is fundamentally objectionable for the following reasons:

First. It requires an increase in the rates of pay of the guard force in one branch of the Government service without applying the same increase to the guard forces in the other branches of the service.

Second. It requires the payment of increased rates of pay for one group of employees whose positions fall under the Custodial Service of the Classification Act without taking into consideration the effect of such increase upon the rates of pay for other groups of employees falling in the same category, notably the crafts and maintenance groups.

Third. The allocations to grades made mandatory by the bill do not follow the statutory grade definitions previously established by Congress in the Classification Act of 1923, as amended, but at the same time, the bill does not amend them so as to permit the Civil Service Commission in the departmental service or the departments generally in the field service to comply with the fundamental mandate of the Classification Act that equal pay scales shall be established for equal work. The bill leaves the existing grade definitions still applicable to all groups other than those coming within the scope of the bill.

Fourth. By means of allocating positions to grades by legislative action, notwithstanding the discrepancy between such allocations and the statutory grade definitions, the bill seeks to raise pay scales for a particular group. This is an undesirable method of salary scale revision. If the salary scales for guards are too low, a direct method should be followed of raising the pay scales associated with the various grade definitions in the Custodial Service of the Classification Act.

Fifth. On a number of cases I have expressed myself as not being in favor of salary legislation which would give preferential treatment to a single group of employees. Legislation of this type simply discriminates against other equally deserving groups.

For the foregoing reasons, I am constrained to withhold my approval of this measure.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, October 4, 1940.

The SPEAKER. The objections of the President will be spread at large upon the Journal.

Mr. VINSON of Georgia. Mr. Speaker, I move that the bill and message be referred to the Committee on Naval Affairs and ordered to be printed.

The motion was agreed to.

#### BATTLE OF EUTAW SPRINGS

Mr. HARE. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. HARE. Mr. Speaker, supplementing the statements made by the gentleman from Mississippi [Mr. RANKIN] and the gentleman from Wisconsin [Mr. BOLLES], with reference to the Battles of Saratoga and Kings Mountain, I want to say that I would not be placed in the position of disparaging in any way the patriotism, valor and heroism displayed at those two battlegrounds. But I want to say that in determining the valor of our Revolutionary heroes there was no greater

patriotism and no greater determination demonstrated in any battle of this country than that of Eutaw Springs in my State. When we read the history of this battle and see how men fought with munitions, fought with the stocks and barrels of their guns and rifles after munitions were exhausted, fought with swords, knives, and sticks when all other implements had been exhausted, and then to have General Greene say that he saw men come out of that battle as naked as they were born, proves to me that they were men who knew what liberty meant and were willing to fight for it to the last with no further hope of reward than to gain for themselves and to posterity those rights and liberties later incorporated in our Constitution. [Applause.]

[Here the gavel fell.]

#### EXTENSION OF REMARKS

Mr. RABAUT, by unanimous consent, was granted permission to revise and extend his own remarks.

#### CONSENT CALENDAR

The SPEAKER. This is Consent Calendar day. The Clerk will call the first bill on the Consent Calendar.

#### PASSAMAQUODDY BAY TIDAL POWER

The Clerk called the first business on the Consent Calendar, Senate Joint Resolution 57, authorizing the Secretary of War to cause a completion of surveys, test borings, and foundation investigations to be made to determine the advisability and cost of putting in a small experimental plant for development of tidal power in the waters in and about Passamaquoddy Bay, the cost thereof to be paid from appropriations heretofore or hereafter made for such examinations.

The SPEAKER. Is there objection to the present consideration of the Senate joint resolution?

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that this joint resolution be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

#### BRIDGE ACROSS THE MISSOURI RIVER AT FLORENCE STATION IN OMAHA

The Clerk called the next bill, H. R. 7069, authorizing Douglas County, Nebr., to construct, maintain, and operate a toll bridge across the Missouri River at or near Florence Station, in the city of Omaha, Nebr.

The SPEAKER pro tempore (Mr. WOODRUM of Virginia). Is there objection to the present consideration of the bill?

Mr. CHURCH. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

#### CROP-LOAN LAW

The Clerk called the next bill, H. R. 7878, to amend the crop-loan law relating to the lien imposed thereunder, and for other purposes.

The SPEAKER pro tempore. Is there objection?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

#### COMPENSATION OF SPECIAL COUNSEL FOR THE UNITED STATES

The Clerk called the next bill, H. R. 4366, to authorize the payment of additional compensation to special assistants to the Attorney General in the case of United States against Doheny executors.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

#### TIME OF APPOINTMENT OF PRESIDENTIAL ELECTORS

The Clerk called the next bill, H. R. 8700, to change the time of the appointment of Presidential electors and the election of Senators and Representatives in Congress.

The SPEAKER pro tempore. Is there objection?

LXXXVI—838

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection?

There was no objection.

#### EDMUND BURKE MEMORIAL COMMISSION

The Clerk called the next business, House Joint Resolution 307, to provide for the printing of the speeches and writings of Edmund Burke as a House document.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

Mr. KEAN. Mr. Speaker, I ask unanimous consent that this joint resolution be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

#### BIOGRAPHICAL DIRECTORY OF THE AMERICAN CONGRESS

The Clerk called the next business, House Concurrent Resolution 54, authorizing the printing of a revised edition of the Biographical Directory of the American Congress.

The SPEAKER pro tempore. Is there objection?

Mr. KEAN. Mr. Speaker, I ask unanimous consent that this concurrent resolution be passed over without prejudice.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

#### DESIGNATING THE PERSON TO ACT AS PRESIDENT UNDER CERTAIN CIRCUMSTANCES

The Clerk called the next bill, H. R. 9462, designating the person who shall act as President if a President shall not have been chosen before the time fixed for the beginning of his term, or when neither a President-elect nor a Vice President-elect shall have qualified.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### TRIBAL AGREEMENTS WITH CERTAIN ENROLLED INDIANS

The Clerk called the next bill, H. R. 5944, to carry out certain obligations to certain enrolled Indians under tribal agreement.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### OLYMPIC NATIONAL PARK

The Clerk called the next bill, H. R. 6559, to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Olympic National Park, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### FRED B. WOODWARD

The Clerk called the next bill, H. R. 9432, to limit the operation of sections 109 and 113 of the Criminal Code, and section 190 of the Revised Statutes of the United States with respect to certain counsel.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## CONFINEMENT IN PENITENTIARIES

The Clerk called the next bill, H. R. 9954, to amend section 7 of the act of May 14, 1930 (46 Stat. 326; U. S. C., title 18, sec. 753f), relating to places of confinement and transfers of persons convicted of an offense against the United States.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## MONUMENT TO GEN. ANDREW PICKENS

The Clerk called the next business, House Joint Resolution 369, to provide for the erection of a shrine or monument to the memory of Gen. Andrew Pickens.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this joint resolution may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## KELLEY HOMESTEAD, ELK RIVER, MINN.

The Clerk called the next business, House Joint Resolution 376, authorizing the Secretary of Agriculture to accept from the National Grange a lease of the Kelley homestead near Elk River, Minn., and providing for its development and maintenance.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this joint resolution may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## VESSELS FOR STATE NAUTICAL SCHOOLS

The Clerk called the next bill, H. R. 10315, to authorize the United States Maritime Commission to furnish suitable vessels for the benefit of certain State nautical schools, and for other purposes.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. KEAN. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## MINERAL CLAIMS IN ALASKA

The Clerk called the next bill, H. R. 2747, relative to annual labor on mineral claims in the Territory of Alaska.

Mr. CHURCH. Mr. Speaker, reserving the right to object, I understand the bill now is in order for passage and that no amendment will be presented today such as was presented last week.

Mr. DIMOND. Mr. Speaker, last week the gentleman from Arizona [Mr. MURDOCK] offered an amendment which greatly enlarged the scope of the bill. He has assured me he will not propose an amendment today, and to the best of my knowledge the only amendment to be offered is the committee amendment.

Mr. CHURCH. Mr. Speaker, with the gentleman's assurance that no amendment but the committee amendment will be offered I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That in the Territory of Alaska a survey for patent purposes made by a United States mineral surveyor under order of the United States Cadastral Engineer, may be credited upon annual labor required by law to be performed upon or for the benefit of the claim or claims for the year in which such

survey is made, but in no case shall the credit for the cost of such survey and its attendant expense exceed the amount of the annual labor required for 1 year as to the claim or claims so surveyed.

With the following committee amendment:

Page 2, line 1, after the word "surveyed", strike out the period and insert a colon in lieu thereof, and after said colon the following: "Provided, That the cost of such survey shall not be credited in determining the value of the labor or improvements required under section 2325, Revised Statutes (U. S. C., title 30, ch. 2, sec. 29)."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## LEASING OF COAL AND ASPHALT DEPOSITS OF CHOCTAW AND CHICKASAW NATIONS OF OKLAHOMA

The Clerk called the next bill, H. R. 2617, to authorize the leasing of the undeveloped coal and asphalt deposits of the Choctaw and Chickasaw Nations of Oklahoma.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he hereby is, authorized to lease any of the unsold and undeveloped coal and asphalt deposits of the Choctaw and Chickasaw Nations in Oklahoma, in accordance with the terms of the act of April 21, 1932 (47 Stat. 88), except as otherwise provided herein, and under such rules and regulations as he may prescribe. Leases made under this act may be for any term not to exceed 15 years. All acts or parts of acts authorizing the sale of said coal and asphalt deposits are hereby repealed.

Sec. 2. That the rate of royalty in coal leases made under this act shall not be less than 10 cents per ton on all coal mined, including what is commonly known as slack: *Provided*, That such leases shall require the mining of a minimum of 1,000 tons each year the first and second years after approval of the lease, 3,000 tons the third year, 5,000 tons the fourth year, and 15,000 tons the fifth and each succeeding year thereafter, or the payment of royalty thereon the same as if the coal had actually been mined: *Provided further*, That the lessee shall pay as advance royalty on each lease the sum of \$100 each year for the first and second years, \$300 for the third year, and \$500 for the fourth and each year thereafter. The advance royalty paid for any year may be credited on the royalty becoming due on coal mined during the year for which said advance royalty has been paid, but shall not be credited on royalty on coal mined in any previous or subsequent year.

Sec. 3. That the rate of royalty in asphalt leases made under this act shall not be less than 15 cents per ton on all crude asphalt mined: *Provided*, That such leases shall require the mining of a minimum of 10,000 tons the first year after approval of the lease and 15,000 tons each year thereafter, or the payment of royalty thereon the same as if the asphalt had been mined: *Provided further*, That the lessee shall pay as advance royalty on each lease the sum of \$500 in advance for each year. The advance royalty paid for any year may be credited on the royalty becoming due on asphalt mined during the year for which said advance royalty had been paid but shall not be credited on royalty on asphalt mined in any previous or subsequent year.

Sec. 4. That the act of April 21, 1932 (47 Stat. 88), is hereby amended to provide that leases made thereunder may be for any term not to exceed 15 years.

With the following committee amendments:

Page 1, line 4, after the word "lease", insert "to the highest responsible competitive bidder."

Page 2, line 20, after the word "year", insert a colon and the following: "*Provided further*, That for the purposes of this act that where qualified Indians are available employment preference shall be given to them in mining operations by the lessee on Indian lands."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## MIAMI INDIANS OF INDIANA

The Clerk called the next bill, H. R. 2306, conferring jurisdiction upon the Court of Claims, with right of appeal to the Supreme Court of the United States, to hear, examine, adjudicate, and enter judgment in all claims which the Miami Indians of Indiana, who are organized and incorporated as the Miami Nation of Indians of Indiana, may have against the United States, and for other purposes.

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri [Mr. COCHRAN]?

There was no objection.

## AMENDING SECTION 204 OF THE TRANSPORTATION ACT OF 1920

The Clerk called the next bill, H. R. 10098, to amend section 204 of the act entitled "An act to provide for the termination of Federal control of railroads and systems of transportation; to provide for the settlement of disputes between carriers and their employees; to further amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, as amended, and for other purposes," approved February 28, 1920.

Mr. KEAN. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey [Mr. KEAN]?

There was no objection.

## RESIDENCE REQUIREMENTS FOR CERTAIN POSTMASTERS

The Clerk called the next bill, H. R. 10012, to amend the act of June 25, 1938, extending the classified civil service to include postmasters of the first, second, and third classes, and for other purposes.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

Mr. RAMSPECK. Mr. Speaker, I object.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

MESSRS. WOLCOTT, TABER, CHURCH, and KEAN objected.

## AMENDMENT OF ACT RELATING TO RENTALS IN CERTAIN OIL AND GAS LEASES APPROVED JULY 8, 1940

The Clerk called the next bill, H. R. 10402, to amend the act relating to rentals in certain oil and gas leases.

Mr. COSTELLO. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California [Mr. COSTELLO]?

There was no objection.

## CALIFORNIA INDIANS

The Clerk called the next bill, H. R. 3765, to amend the act entitled "An act authorizing the attorney general of the State of California to bring suit in the Court of Claims on behalf of the Indians of California," approved May 18, 1928 (45 Stat. 602).

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

There was no objection.

## REPEALING OBSOLETE STATUTES AND IMPROVING THE UNITED STATES CODE

The Clerk called the next bill, H. R. 9947, to repeal obsolete statutes and to improve the United States Code.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

Mr. KEOGH. Mr. Speaker, reserving the right to object, I hope the gentleman from Michigan will permit me again to state that, with respect to Calendar Nos. 946, 947, and 948, all we seek to do by these bills is to obtain legislative authority to omit from the United States Code the sections enumerated in the bills. All of those sections have been included in the Internal Revenue Code or have been repealed by their omission from the Internal Revenue Code.

This Congress in January of last year by the enactment of the Internal Revenue Code has confined those laws to that code, which is title XXVI of the United States Code. We make absolutely no change in the substantive law that has not already been made by prior acts of the Congress. As I have stated on other occasions, all we seek to obtain is legislative authority to omit the sections set forth in the bills from the forthcoming 1940 edition of the United States Code.

These bills have all been submitted to the Joint Committee on Internal Revenue Taxation; they have been gone over

very carefully and very thoroughly by that committee; and that committee has interposed no objection to their passage. I hope the gentleman will reconsider his request.

Mr. ROUTZOHN. Will the gentleman yield?

Mr. KEOGH. I yield to the gentleman from Ohio.

Mr. ROUTZOHN. Has the gentleman stated how much time and effort has been put forth by his committee?

Mr. KEOGH. Yes. As I stated 1 week ago today, these bills have been the subject of study and research for many years.

Mr. WOLCOTT. Mr. Speaker, in view of the statement I made last week when these bills were called, I am constrained to insist upon my unanimous-consent request that this bill go over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

There was no objection.

## REPEALING OBSOLETE STATUTES AND IMPROVING THE UNITED STATES CODE

The Clerk called the next bill, H. R. 9773, to repeal obsolete statutes and to improve the United States Code.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

There was no objection.

## REPEALING OBSOLETE STATUTES AND IMPROVING THE UNITED STATES CODE

The Clerk called the next bill, H. R. 9882, to repeal obsolete statutes and to improve the United States Code.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan [Mr. WOLCOTT]?

There was no objection.

## REPEALING OBSOLETE STATUTES AND IMPROVING THE UNITED STATES CODE

The Clerk called the next bill, H. R. 10131, to repeal obsolete statutes and improve the United States Code.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

## REPEALING OBSOLETE STATUTES AND IMPROVING THE UNITED STATES CODE

The Clerk called the next bill, H. R. 10123, to repeal obsolete statutes and to improve the United States Code.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

Mr. KEOGH. Reserving the right to object, Mr. Speaker, may I say with reference to this bill, which is No. 950 on the calendar, that we have included in the bill only those sections which by their very terms expire on the passage of time. They have fallen of their own weight. They are no longer in effect. However, we cannot omit them from the Code without this legislative authority. We are not seeking to repeal any laws that have not already been repealed by the action of the Congress.

Mr. WOLCOTT. In view of that situation, is there any particular need for this legislation? It bears out the fact that we should have some discussion of these bills. I do not know that I would be opposed to these bills after a discussion of them on the floor. As I said last week, it seems to me it is not advisable to repeal by unanimous consent perhaps hundreds of statutes without going into them a little more thoroughly than we can go into them here on the Consent Calendar. That is my principal objective in asking that these bills be passed over without prejudice.

Mr. Speaker, in that connection, may I have it understood that when I ask unanimous consent that these bills be passed over without prejudice, those which appear on the calendar as 946, 947, 948, 949, 950, and 951, I do not want the action of the House understood as waiving points of order on these bills. So that there will be no question about the status of

the bills, I reserve points of order on the bills I have just mentioned.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### REPEALING OBSOLETE STATUTES AND IMPROVING UNITED STATES CODE

The Clerk called the next bill, H. R. 10411, to repeal obsolete statutes and to improve the United States Code.

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### NATIONAL GUARD OF THE UNITED STATES

The Clerk called the next bill, S. 3619, relating to changes in the administration of the National Guard of the United States bearing on Federal recognition, pay, allotment of funds, drill, training, etc.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN. Reserving the right to object, Mr. Speaker, may I say that I objected to this bill being considered about 2 weeks ago. Then the gentleman from California [Mr. COSTELLO] asked that the bill be recommitted to the committee. The bill went back to the committee. My objection was based solely on the proviso on page 3, and that is the only feature of the bill I knew anything about at the time. The bill comes back now with the proviso I objected to eliminated.

I have not made a thorough study of this bill but it has a unanimous report, as I understand, from the committee. Therefore, if I can receive the assurance of the Committee on Military Affairs that that committee will insist upon their amendment and this objectionable proviso will be kept out of the bill, I will not object to its consideration at this time. This proviso not only relieves all disbursing officers of the National Guard of disallowances in the past but provides that in the future when payments shall be disallowed the disbursing officers would likewise be relieved. Such a proviso is foolish on the face of it. It gives the spending agency control over its own expenditures whereas this should stay in the General Accounting Office. I do not believe we should legislate in advance for disbursing officers to be relieved of disallowances in the future by the General Accounting Office. If anyone on the committee can give me assurance that the House will insist upon its amendment, I am willing to let the bill be considered.

Mr. COSTELLO. Mr. Speaker, I may say to the gentleman that I do believe the committee will insist upon that amendment remaining as the House has put it. It was reported out of the House Committee on Military Affairs, and I agree thoroughly with the gentleman that it was an authority that should not be granted to a department, namely, to have disbursing officers sit as final and conclusive judges of their own accounts. This should be left in the hands of the Comptroller General. I am quite certain the committee when the bill does go to conference would insist upon the amendment; in fact, I am inclined to think the Senate would accept the House amendment without any objection.

Mr. COCHRAN. In view of what the gentleman from California [Mr. COSTELLO], who is a member of the committee, has said, I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,*

#### AMENDMENTS TO NATIONAL DEFENSE ACT

SECTION 1. That section 90 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, repealed and reenacted to read as follows:

"Sec. 90. That funds allotted by the Secretary of War for the support of the National Guard shall be available for the purchase and issue of forage, bedding, shoeing, and veterinary services, and supplies for the Government animals issued to any organization, and for animals owned or hired by any State, Territory, District of Columbia, or National Guard organization, not exceeding the number of animals authorized by Federal law for such organization and used solely for military purposes, and for the compensation of competent help for the care of material, animals, armament, and equip-

ment of organizations of all kinds, under such regulations as the Secretary of War may prescribe.

"The compensation paid to caretakers who belong to the National Guard, as herein authorized, shall be in addition to any compensation authorized for members of the National Guard under any of the provisions of the National Defense Act.

"Under such regulations as the Secretary of War shall prescribe, the material, animals, armament, and equipment, or any part thereof, of the National Guard of any State, Territory, or the District of Columbia, or organizations thereof, may be put into a common pool for care, maintenance, and storage; and the employment of caretakers therefor, not to exceed 15 for any one pool, is hereby authorized.

"Commissioned officers of the National Guard shall not be employed as caretakers except that, under such regulations as the Secretary of War shall prescribe, one such officer not above the grade of captain for each heavier-than-air squadron, and one such officer not above the grade of captain for each pool, may be employed. Either enlisted men or civilians may be employed as caretakers, but if there are as many as two caretakers in any unit, one of them shall be an enlisted man.

"Funds hereafter appropriated under the provisions of the National Defense Act, as amended, for the support of the National Guard of the several States, Territories, and the District of Columbia, shall be supplemental to moneys appropriated by the several States, Territories, and the District of Columbia, for the support of the National Guard, and shall be available for the hire of caretakers and clerks: *Provided*, That the Secretary of War shall, by regulations, fix the salaries of all caretakers and clerks hereby authorized to be employed, and shall also designate by whom they shall be employed: *And provided further*, That payments heretofore made which now stand disallowed or would hereafter be disallowed but for this act, are hereby ratified and validated as to the disbursing officers making the same, in such amounts as the Secretary of War may determine have been actually expended in the administration, supply, maintenance, and training of the National Guard, and the determination of the Secretary of War shall be final and conclusive; and the Comptroller General of the United States is hereby directed to allow credit in the accounts of said disbursing officers for and on account of such payments in said amounts."

SEC. 2. That section 92 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, repealed and reenacted to read as follows:

"Sec. 92. Training of the National Guard: Under such regulations as the Secretary of War shall prescribe, each company, troop, battery, and detachment in the National Guard shall assemble for drill and instruction, including indoor target practice, not less than 48 times each year, and shall, in addition thereto, participate in encampments, maneuvers, or other exercises, including outdoor target practice, at least 15 days in training each year, including target practice, unless such company, troop, battery, or detachment shall have been excused from participation in any part thereof by the Secretary of War: *Provided*, That an assembly for drill and instruction may consist of a single duly ordered formation of a company, troop, battery, or detachment, or, when so authorized by the Secretary of War, of a series of duly ordered formations of subdivisions or parts thereof, but in the latter case the series of formations of subdivisions or groups must comprehend and include the entire organization, and must be included within the time limit of 7 consecutive days within a calendar month. The sum total of the attendance at all the separate consecutive formations announced as constituting that assembly shall be counted as the attendance at the actual military assembly for the required period of time; but no officer, warrant officer, or enlisted man shall be counted more than once, nor receive credit for more than one required period of actual military attendance even though he may have attended more than one of the formations which constitute the assembly for the required period of time: *Provided further*, That credit for an assembly for drill or for indoor target practice shall not be given unless the number of officers and enlisted men present for duty at such assembly shall equal or exceed a minimum to be prescribed by the President, nor unless the period of actual military duty and instruction participated in by each officer and enlisted man at each assembly at which he shall be credited as having been present shall be of at least 1½ hours' duration and the character of training such as may be prescribed by the Secretary of War: *Provided further*, That any flight ordered by competent authority and performed by an appropriately rated Air Corps officer or enlisted man of the National Guard assigned to an Air Corps unit thereof, or so performed by an officer or enlisted man of the Medical Department of the said National Guard regularly attached to an Air Corps unit of the National Guard by appropriate authority, may be credited for the same purpose and to the same extent as attendance at drill: *Provided further*, That in performing the flight so ordered the officer or enlisted man is prevented, by the making of such flight, from attending a regularly scheduled drill formation of his unit or the unit with which the said officer or enlisted man is required to drill."

SEC. 3. That section 109 of the National Defense Act of June 3, 1916, as amended, be, and the same is hereby, repealed and reenacted to read as follows:

"Sec. 109. Pay for the National Guard Officers: Under such regulations as the Secretary of War may prescribe, officers and warrant officers of the National Guard, except general officers, shall receive compensation at the rate of one-thirtieth of the monthly base pay prescribed for them in sections 3 and 9 of the Pay Readjustment Act of June 10, 1922, for each regular drill, period of appropriate duty, or other equivalent period of training, authorized by the Secretary of War, not exceeding 8 in any one calendar month and

not exceeding 60 in any one fiscal year, at which they shall have been engaged for the entire period of not less than 1½ hours: *Provided*, That such pay shall be in addition to compensation for attendance at field- or coast-defense instruction or maneuvers, and that nothing in this act shall operate to reduce the present pay of majors and lieutenant colonels. General officers shall receive \$500 a year in addition to compensation for attendance at field- or coast-defense instruction or maneuvers, for satisfactory performance of their appropriate duties. In addition to pay hereinbefore provided officers commanding organizations less than a brigade and having administrative functions connected therewith shall, whether or not such officers belong to such organizations, receive not more than \$240 a year for the faithful performance of such administrative functions under such regulations as the Secretary of War may prescribe; and for the purpose of determining how much shall be paid to such officers so performing such functions, the Secretary of War may, from time to time, divide them into classes and fix the amount payable to the officers in each class. Pay under the provisions of this section shall not accrue to any officer during a period when he shall be entitled, under any provision of law, to the full rate of his base pay prescribed in section 3 or section 9, as the case may be, of the Pay Readjustment Act of June 10, 1922: *Provided further*, That section 9 of the act entitled "An act amending the act entitled "An act to authorize the President to increase temporarily the Military Establishment of the United States," approved May 18, 1917," approved August 31, 1918, shall also apply to the purchase of uniforms, accouterments, and equipment for cash by officers of the active and inactive National Guard, whether in State or Federal service, on proper identification and under such rules and regulations as the Secretary of War may prescribe."

SEC. 4. That section 3618, Revised Statutes, as amended, be, and the same is hereby, amended by adding the following additional language: "That, under such regulations as the Secretary of War may prescribe, the commanding officers of mounted units of the National Guard may sell all stable refuse and empty grain sacks and containers at public or private sale and apply the proceeds derived therefrom to the purchase of feed, supplementing the regular allowance and issue for the animals of the said units, and for the purchase of stable equipment, and horseshoers', saddlers', blacksmiths', and wagoners' tools not an article of issue to such organizations."

SEC. 5. That the act of July 15, 1939 (53 Stat. 1042), be, and the same is hereby, repealed and reenacted to read as follows:

"That neither of the provisions of the Act of June 15, 1936 (49 Stat. 1507), nor any other law of the United States shall be construed as limiting the power and authority of the Secretary of War, under such regulations as he may prescribe, to require hospitalization, medical, and surgical treatment and domiciliary care so long as any or all are necessary of persons in the active military service or on active duty, or in training, under the provisions of sections 92, 94, 97, 99, and 113 of the National Defense Act of June 3, 1916, as amended, and to incur obligations with respect thereto, without reference to their line-of-duty status: *Provided*, That this act shall not include those individuals who are on an armory-drill status except officers, warrant officers, and enlisted men of the National Guard who suffer personal injury (as distinguished from disease) when participating in aerial flights prescribed under the provisions of section 92: *And provided further*, That this act shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furloughs or leaves of absence in excess of 24 hours."

With the following committee amendment:

Page 3, line 19, after "employed", strike out the remainder of page 3, and page 4 down to and including line 5.

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### BENEFITS FOR CERTAIN AIR CORPS RESERVE OFFICERS

The Clerk called the next bill, S. 3266, to provide pensions, compensation, retirement pay, and hospital benefits to certain Reserve officers of the Army of the United States.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER of Wisconsin. Reserving the right to object, Mr. Speaker, I notice that this bill provides pensions, compensation, retirement pay, and hospital benefits for certain Air Corps Reserve officers who were disabled while on active duty with the Regular Army. In view of the words "were disabled" I ask those in charge of this bill whether Elliott Roosevelt, the 30-year-old multimillionaire son of our multimillionaire New Deal President, who dodged the draft by coming to Washington and walking into General Arnold's office and walking out with a captain's commission in the Army Air Corps and an assignment to a soft swivel-chair job in the aviation purchasing department at Wright Field, Ohio, will come under the provisions of this act. I do not want to support a bill under which Elliott Roosevelt, this

swivel-chair tin-soldier captain, might receive a pension, compensation, retirement pay, or hospital care for gastritis or some other stomach disorder caused by eating caviar, hors d'oeuvre, turtle soup, or pâté de foie gras or drinking champagne at some New Deal "gold coast" tea party.

Mr. COSTELLO. I may say to the gentleman that this does not refer to the present personnel of the Air Corps, it simply includes 23 former officers of the Air Corps who were disabled.

Mr. SCHAFER of Wisconsin. Since this bill will not include any tin soldiers like Capt. Elliott Roosevelt, the swivel-chair Army Air Corps officer who dodged the draft and received his commission under a short-cut, unusual, strange, and indefensible procedure and since it only applies to 23 former officers of the Army Air Corps who rendered real service as soldiers I shall not object to the consideration of the bill at this time.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That all Reserve officers of the Air Corps of the Army of the United States, who were called or ordered into the active military service with the Air Corps, Regular Army, by the Federal Government for extended military service in excess of 30 days, on or subsequent to July 1, 1928, and who suffered disability in line of duty from injury while so employed shall be deemed to have been in the active military service during such period and shall be in all respects entitled to receive the same pensions, compensation, retirement pay, and hospital benefits as are now or may hereafter be provided by law or regulation for officers of corresponding grades and length of service of the Regular Army.

SEC. 2. That the duties, powers, and functions incident to the administration and payment of the benefits herein provided are hereby vested in the Veterans' Administration: *Provided*, That in the administration of the retirement provisions provided herein, the determination whether disability exists and whether such disability was incurred in line of duty shall be made by the Secretary of War, or by someone designated by him in the War Department, in the manner, and in accordance with the standards provided by law or regulations for the Regular Army personnel: *And provided further*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### MONEY ALLOWANCE FOR QUARTERS TO CERTAIN NONCOMMISSIONED OFFICERS OF THE ARMY

The Clerk called the next bill, H. R. 10527, to provide for an extension of the conditions under which a money allowance for quarters may be paid to certain noncommissioned officers of the Army of the United States.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That each enlisted man of the first, second, or third grade of the Army of the United States in the active military service of the United States, having a dependent as defined in sections 8 and 8a, title 37, United States Code, shall, under such regulations as the President may prescribe, be entitled to receive, for any period during which public quarters are not provided for his dependent, the money allowance for quarters authorized by law to be granted to each enlisted man not furnished quarters in kind.

With the following committee amendment:

Page 1, line 9, after the word "provided", insert the words "and available."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### INCREASING THE NUMBERS OF WARRANT OFFICERS AND ENLISTED MEN IN THE ARMY MINE PLANTER SERVICE

The Clerk called the next bill, H. R. 10391, to increase the authorized numbers of warrant officers and enlisted men in the Army Mine Planter Service, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That hereafter the authorized personnel of the Army Mine Planter Service shall comprise, for each Army mine planter in service or under construction, one master, one first mate, one second mate, one chief engineer, one assistant engineer, and one second assistant engineer, who shall be warrant officers appointed by and holding their offices at the discretion of the Secretary of War, and such enlisted men of the Coast Artillery Corps as the Secretary of War shall prescribe from time to time: *Provided*, That the maximum authorized numbers of warrant officers and enlisted men of the Coast Artillery Corps are hereby increased by the numbers of additional warrant officers and enlisted men

authorized by this section: *Provided further*, That when the number of Army mine planters in service and under construction exceeds 14, the Secretary of War may, in his discretion, and to such extent as he may deem proper, make temporary appointments of the additional warrant officers required for the additional mine planters: *Provided further*, That members of the Army Mine Planter Service appointed as temporary warrant officers shall, while serving as such have the rank, pay, allowances, and retirement privileges of the grade and ratings to which they are temporarily appointed, and upon termination of their temporary appointments as warrant officers shall revert to the grades from which they were appointed, without loss of seniority, credit for continuous service, or any other right or privilege, by reason of their service as temporary warrant officers: *And provided further*, That the relative rank, pay, and allowances of warrant officers of the Army Mine Planter Service shall be as now prescribed by law, and warrant officer second assistant engineers shall receive pay and allowances, and be entitled to other privileges as now prescribed by law for warrant officer second mates, and while aboard their vessels shall take rank immediately below warrant officer second mates.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### EXTENSION OF REMARKS

Mr. TABER. Mr. Speaker, I ask unanimous consent to extend my remarks in the Appendix of the RECORD and in connection therewith to insert several tables I have prepared myself.

The SPEAKER pro tempore (Mr. WOODRUM of Virginia). Is there objection to the request of the gentleman from New York?

There was no objection.

#### THE CONSENT CALENDAR

##### CLAIMS OF THE CHOCTAW INDIANS OF THE STATE OF MISSISSIPPI

The Clerk called the next bill, S. 3524, conferring jurisdiction on the Court of Claims to hear and determine the claims of the Choctaw Indians of the State of Mississippi.

Mr. COCHRAN. Mr. Speaker, the report on this bill—and I may say a bill somewhat similar to this was vetoed by the President on one occasion—does not contain the report of the Attorney General who is charged with the responsibility of defending the Government in the Court of Claims in such jurisdictional cases. I have received a letter from the Attorney General giving his views on this measure. In view of this letter from the Attorney General and the objections he has offered I ask unanimous consent that it may be placed in the RECORD at this point. I hope all Members will read this letter and then determine if I am justified in my opposition to this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The letter referred to follows:

OFFICE OF THE ATTORNEY GENERAL,  
Washington, D. C., October 2, 1940.

Hon. JOHN J. COCHRAN,

Chairman, Committee on Expenditures in the Executive Departments, House of Representatives, Washington, D. C.

MY DEAR MR. CHAIRMAN: This acknowledges your request of October 1, 1940, for my views relative to a bill (S. 3524) to confer jurisdiction on the Court of Claims over the claims of the Choctaw Indians of the State of Mississippi.

The text of the bill indicates that the claims to which it refers are not tribal claims, but those of individual Indians who assert that they were improperly denied the right to share in the distribution of certain tribal properties. The measure under consideration would permit these individual Indians to sue the United States as a band. The provisions of this bill are virtually the same as those of S. 1478, Seventy-fifth Congress, which was passed by the Congress but vetoed by the President. See CONGRESSIONAL RECORD, volume 83, part 8, page 9620.

By the treaty of Dancing Rabbit Creek of September 27, 1830 (7 Stat. 333), the Choctaw Nation ceded its lands east of the Mississippi River and received in exchange therefor a large area in what is now Oklahoma. By article XIV of that treaty such Choctaws as chose to do so were permitted to remain in Mississippi, receive their allotments there, and eventually become citizens of that State. The article further provided that such persons should not lose the "privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." A controversy thereafter arose between the Indians who had removed to Oklahoma and those who had remained in Mississippi as to the right of the latter to share in the allotment of the property assigned to the Choctaw Nation in Oklahoma.

A commission, known as the Dawes Commission, established by the act of March 3, 1893 (27 Stat. 645), prepared a complete membership roll of the Choctaw Nation, and by virtue of subsequent authorizations prepared two rolls of the Mississippi Choctaws entitled to enrollment. It appears that in 1899 there was submitted a roll of 1,923 Mississippi Choctaws, known as the McKennon roll, and in 1902 the Commission prepared a roll of 2,534 persons who had been identified out of more than 25,000 applicants for identification as Mississippi Choctaws. The latter roll was approved by the Secretary of the Interior on February 14, 1903, but the earlier and so-called McKennon roll was disapproved on March 1, 1907. After identification is was necessary for the Indians identified to remove to Oklahoma and perform certain other acts before being enrolled as members of the Choctaw Nation. Of the 2,534 identified and listed on the final roll, 1,578 removed to the Choctaw country in Oklahoma and 956 apparently remained in Mississippi.

The proposed legislation would authorize the adjudication of the claims of the Mississippi Choctaws for compensation for the loss of their interests in the lands and other property of the Choctaw Nation. It would appear that these claims would be divided into three classes: (1) The claims of those Indians who were identified, but who failed to remove to Oklahoma and receive their allotments because of the alleged failure of the Government to assist them; (2) the claims of those listed on the McKennon roll which was disapproved by the Secretary of the Interior, allegedly without examination into the merits of their claims; and (3) the claims of those who were not identified or listed on any roll because of the alleged failure of the Government to advise them as to their rights.

If these Indians had received the property to which they claim to have been entitled, it would have been a share in the property of the Choctaw Nation. Nevertheless the present bill, instead of seeking to permit the Indians to secure an award against the tribe or its individual members, in effect proposes that the Government should assume the tribal liability and should pay to the claimants the value of the share that they might have received on a distribution of the tribal property. Since it has been estimated that the value of one distributive share in the Choctaw tribal property exceeded the sum of \$4,000, the enactment of this legislation might result in an assumption of a liability by the Government, aggregating nearly \$4,000,000, with respect to the claims of the 956 identified Indians alone. There might also be assumed an even greater liability in connection with the claims of those listed on the McKennon roll and the several thousand not identified on any roll. I am not aware of any reason why in equity and good conscience this burden should be borne by the Government rather than by the other members of the tribe.

Moreover, the effect of this legislation would be to reopen certain matters that were settled by a quasi-judicial commission more than 30 years ago. It does not appear to be desirable to take this action after such a long lapse of time, when much of the pertinent evidence is no longer available.

In view of the foregoing considerations, I am unable to recommend the enactment of the bill.

Sincerely,

ROBERT H. JACKSON,  
Attorney General.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice, so as to give the membership of the House an opportunity to read this letter and thus understand just exactly what is in the bill.

Mr. SCHAFER of Wisconsin. Mr. Speaker, reserving the right to object, the members of the Committee on Indian Affairs of the House spent about 4 hours considering this bill. The bill is not identical with the bill which was vetoed.

Mr. COCHRAN. I said, "somewhat."

Mr. SCHAFER of Wisconsin. It is not "somewhat" identical—it differs radically. The points raised against the bill in the veto message clearly reveal that the President was not correctly informed as to the true facts of the case by somebody. If the Government of the United States made it possible through actions of Government representatives for one portion of the Choctaw Indian tribe to obtain funds which properly should have gone to the Mississippi Choctaw Indians, then the Government of the United States is responsible. This bill is a clear-cut Court of Claims proposition. It is not an appropriation bill dressed up in Court of Claims clothes. This bill simply gives these Mississippi Choctaw Indians the opportunity of having their day in court and presenting their claims on the questions of law. In view of the testimony presented the Committee on Indian Affairs after careful and intensive consideration of the entire membership of that committee who were present voted to favorably report the bill. The bill only gives these Choctaw Indians of Mississippi their day in court. And, by the way, a representative from the Indian Bureau appeared before our

committee at that hearing and said that in his judgment they appear to have valid claims which they should have an opportunity to present to the Court of Claims. I assure the gentleman that if this was anything else but a clear-cut Court of Claims bill, which gives these original Americans, the Choctaw Mississippi Indians, a day in court to present their claims, I would not have voted for it in committee and I would not have pleaded with him on the floor of the House to let this bill be considered today.

Let us extend justice to these real original Americans, our American Indians, when they have valid claims which they desire to present to the Court of Claims. This Congress, which has been very liberal in handing many millions of dollars to people in foreign lands, should not deny these Choctaw Mississippi Indians an opportunity to present their valid claims against the Government of the United States to the Court of Claims of the United States.

Mr. COCHRAN. Does the gentleman from Wisconsin know that a commission 30 years ago considered this matter?

Mr. SCHAFER of Wisconsin. Oh, yes. We understand commissions. Under the Constitution commissions do not legislate. Commissions do not have authority to permit claimants to have a day in court. This is one of the most meritorious bills which has been presented to the Committee on Indian Affairs. I know that the gentleman from Missouri wants to guard the Treasury and prevent unwarranted raids on it. I helped him with reference to the California Indian raid bill. I objected to that potential \$100,000,000 raid on the United States Treasury the other day and I will oppose it today. These original Americans, these Mississippi Choctaw Indians, have a valid claim, and I ask the gentleman to permit them to have their day in the Court of Claims, which is the only thing which this bill does.

[Here the gavel fell.]

The SPEAKER pro tempore. Without objection, the bill will be passed over without prejudice.

Mr. SCHAFER of Wisconsin. Mr. Speaker, I object.

The SPEAKER pro tempore. The Clerk will call the next bill.

Mr. WOLCOTT. Mr. Speaker, there seems to be some confusion as to what happened to the last bill.

The SPEAKER pro tempore. It was passed over without prejudice.

Mr. WOLCOTT. I understood the gentleman from Wisconsin [Mr. SCHAFER] to object.

Mr. SCHAFER of Wisconsin. I objected. My voice was not loud enough, I guess. [Laughter.]

The SPEAKER pro tempore. The Chair did not understand the gentleman.

Mr. COCHRAN. Mr. Speaker, I object to the consideration of the bill.

The SPEAKER pro tempore. Objection is heard, and the bill goes over. The Clerk will report the next bill.

PROFESSIONAL EXAMINATIONS FOR PROMOTION IN MEDICAL, DENTAL, AND VETERINARY CORPS OF THE REGULAR ARMY

The Clerk called the next bill, H. R. 10278, to authorize the discontinuance of professional examinations for promotion in the Regular Army of officers of the Medical, Dental, and Veterinary Corps during time of war or emergency declared by Congress.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, reserving the right to object, I think it is the intent and purpose of every Member of Congress to lean over backward in enacting a defense program, but it seems to me that we have leaned over backward so far on this bill that we are about to bump our heads.

If I understand this bill correctly it authorizes the promotion of commissioned-officer personnel in the Medical, Dental, and Veterinary Corps without examination. If a second lieutenant in the line is promoted to a first lieutenant he at least has to go through the motions of some kind of an examination, or merit that promotion by some outstanding service. To distinguish between medical, dental, or veterinary officers and a line officer seems to me such a discrimination between

those services that we had better give more consideration to what we are doing before we pass this bill.

You cannot get a commission without a very rigid examination, either in the line or in the services mentioned in this bill. So it seems to me that we should not get panicky to the point where we authorize favoritism within the armed forces such as this bill would allow.

Until we find out more about this bill I ask unanimous consent that it be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. COSTELLO. Mr. Speaker, reserving the right to object, the main purpose of the bill is to let the Department grant these promotions either during a time of war or actual emergency. During normal times such a request would not be asked. At the present time, due to the great expansion in the Army camps that is contemplated, it is necessary to assign officers of the War Department in the Medical Division to these different camps, and in order to give them the rank in keeping with the positions to which they are being assigned it is desired to grant these promotions. If it is necessary first to hold a medical examination of the character which is ordinarily given, it will entail a great deal of delay and will place a great burden upon the Medical Corps. It is because of that fact that the War Department has asked for this relief.

I do not think there is any question as to the caliber of men who would receive promotions. First, they would have to have taken the original examination for admission to the War Department.

Mr. WOLCOTT. I agree with the gentleman. There is no reflection upon the ability or the standing of these officers and I do not intend my discussion to reflect upon them whatsoever. I know these are gentlemen of the highest type in their profession and are doing a splendid job.

It seems to me we are doing one or two things here to which we had better give more consideration. In the first place we are discriminating between these officers and other officers; and then by inference we are recognizing the existence of an emergency for the first time. When I say "we" I mean the Congress. Up to the present time, the President has, without any authority of law, determined that a limited emergency existed. What the President means by "limited emergency" I do not know. He was given the power, I understand, to declare an emergency. It kind of looks to me as though he just wanted to singe his fingers a little without burning them too badly, so he declared a limited emergency to exist. The President has not declared an emergency to exist under the law. I think it must be understood by the Congress that the President under the power that has been granted to him has never declared that an emergency exists.

There have been repeated efforts during the last few months to get this Congress to declare an emergency by implication. I am therefore a little fearful that if this bill is passed by unanimous consent it will be said that the Congress has put its stamp of approval on the existence of an emergency. If an emergency does exist we should clarify the situation by explaining what the emergency is, whether it is economic, financial, or whether it goes to the point where it involves the lives of our citizens. Until we are ready to be courageous enough to say to the people that an emergency does or does not exist, we should not by implication recognize an emergency which the President has not as yet seen fit to declare.

Mr. COSTELLO. Mr. Speaker, I may state to the gentleman that the language of the bill provides that these promotions shall take place only in the event of war or an emergency declared by the President. It does not state that the Congress is declaring an emergency. The President is given this power only if and when an emergency is declared or war is declared.

I may also state to the gentleman that we have already provided for the temporary promotion of the line officers. This legislation would therefore be in keeping with the legislation already passed on a similar subject, for it would give

the same right to the medical, dental, and veterinary officers that we have granted to the other branches of the armed services.

Mr. CRAWFORD. Mr. Speaker, will the gentleman yield?  
Mr. WOLCOTT. I yield.

Mr. CRAWFORD. I agree with practically all the gentleman has said, but this thought occurs to me, that insofar as the men are concerned who are to be served by these dental and medical officers in particular there will be an emergency for these men. If the Medical Corps and the Dental Corps are insufficiently large to take care of the men, then an emergency does exist so far as the men are concerned. The bill appeals to me from that standpoint.

Mr. WOLCOTT. I might say to the gentleman from Michigan that this does not increase the number of the personnel of these different branches, it merely makes it possible for the President to promote them on the ground that an emergency exists. He has not yet declared an emergency to exist.

Mr. CRAWFORD. I understand that, but I assume that if this bill were passed and the President should declare an emergency that the personnel would be immediately enlarged.

Mr. BENDER. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is, Is there objection to the consideration of the bill?

Mr. WOLCOTT. Mr. Speaker, I ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. BENDER. Mr. Speaker, I object.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. WOLCOTT. I object to the consideration of the bill.

The SPEAKER. The Chair recognizes the gentleman from New York [Mr. PFEIFER].

#### HOMING PIGEONS

Mr. PFEIFER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7813) to safeguard the homing pigeon.

Mr. MICHENER. Mr. Speaker, reserving the right to object, is this the gentleman's contribution to national defense?

Mr. PFEIFER. I hope so.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That in order to safeguard and promote the breeding and training of the Antwerp or homing pigeon for use as a means of communication in time of war or national emergency, it shall be unlawful for any person to hunt, shoot, or to attempt to hunt or shoot, or for any person other than the lawful owner thereof to pursue, capture, or kill, or to attempt to pursue, capture, or kill, any Antwerp or homing pigeon having the name of the owner stamped upon its wing or tail, or wearing a ring or seamless leg band with the registered number of such pigeon stamped thereon.

SEC. 2. It shall be unlawful for any person other than the lawful owner thereof or his authorized agent to remove or alter any stamp, leg band, ring, or other mark of identification attached to any Antwerp or homing pigeon.

SEC. 3. Any person violating any of the provisions of this act shall, upon conviction thereof, be subject to a fine of not more than \$500.

Mr. PFEIFER. Mr. Speaker, this bill (H. R. 7813) is to safeguard the homing pigeon. This bird is well known to the world at large. Its faithful service is referred to in the Bible, when it carried Noah's message at the time of the flood. This humble, feathered bird, derivative of the dove family, through years of experimentation and careful breeding, has developed into such an intelligent and fast messenger that the warring nations resorted to their services in the last World War. Their services have proven so valuable that the deeds of some will go down in the annals of our history. They have proven to be the only means of communication when all other means have failed. They flew through areas where men never came through alive. Due to their intelligence and the speed with which they flew, the messages in the capsules on their legs have saved many lives, caused many towns and

villages to be captured, scouts and espionage contacts made, and survivors in doomed ships and planes were rescued.

Ninety-five percent of the messages sent were delivered by using birds of selected breeding for ship-to-shore messages on trawlers and mine sweepers in the vicinity of the British Isles. One pigeon completed 172 active service patrols.

Excerpts from our own War Department relate the following:

First, Cher Ami, one of our outstanding pigeon heroes of the World War, although shot in flight, nevertheless came through with the message hanging from its dangling leg; was instrumental in saving one "lost battalion" in the Argonne Forest. The Smithsonian Institution displays this now stuffed and humble mounted bird, which bears the Distinguished Service Cross.

Again we read of numerous savings at sea, men from downed planes or sinking boats, due to messages brought ashore by these birds.

Outstanding service has been rendered by Spike, Locker, Blanchette, Poilu, and many others.

The services of these birds have been proven so valuable that the Army and the Navy during the last World War have requested the American pigeon fanciers to give all aid possible. This appeal was answered immediately. Entire lofts were voluntarily contributed, and all aid was carried on throughout the period of the World War.

Nations realizing the true value of these messengers, not only in time of war but also in time of peace as well, appreciated these messengers as part of their armed forces. Great Britain has several hundred thousand of these messengers, while we have less than 10,000.

Only the other day one daily press pictured the services that these birds are rendering in the present world conflict, a copy of which I hold in my hand.

Mr. Speaker and gentlemen of the House, I personally believe that the homing pigeon is an intricate part of our armed forces, and as such is entitled to the protection of our Government.

The War Department agrees that this legislation is necessary for our national defense. It does not call for any appropriation of any money but simply sees that these birds are given the protection that they so rightfully deserve. It prevents them from becoming mutilated, so that when the time comes for the call to service, the Nation will find a ready, healthy pigeon service.

Thousands of these valuable birds are lost annually and scores of these birds have returned to their home lofts suffering from bird-shot wounds. Many of them are bred from famous World War pigeons which were returned to our shores after the 1918 armistice. Therefore, Mr. Speaker and Members of the House, let us not delay this bill any longer; let us pass it immediately, for in doing so you are not only acting in the name of national defense at this time but preserving this valuable messenger for the protection of our future welfare. It certainly would be a stimulus to the homing-pigeon fanciers of this Nation to perpetuate the superior breed of pigeon messengers, so they may be ever ready to render the highest type of service to the armed forces of our Nation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### EXTENSION OF THE CIVIL SERVICE

Mr. RAMSPECK. Mr. Speaker, I call up the conference report on the bill (H. R. 960) extending the classified civil service of the United States, and ask unanimous consent that the statement be read in lieu of the report.

#### CALL OF THE HOUSE

Mr. NICHOLS. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. NICHOLS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present. The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

## [Roll No. 224]

Allen, Pa.	Douglas	Kilburn	Shafer, Mich.
Anderson, Calif.	Dworshak	Kirwan	Sheppard
Andresen, A. H.	Elliott	Kleberg	Sheridan
Andrews	Ellis	Knutson	Short
Arnold	Evans	Kocialkowski	Smith, Wash.
Barton, N. Y.	Faddis	Kunkel	Smith, W. Va.
Bates, Ky.	Fish	Lemke	Starnes, Ala.
Bates, Mass.	Fitzpatrick	McGranery	Steagall
Bell	Flannery	McLeod	Stearns, N. H.
Boland	Folger	McMillan, John	Sullivan
Brewster	Ford, Leland M.	Magnuson	Sweeney
Brooks	Ford, Thomas F.	Marcantonio	Thill
Burch	Fries	May	Thomas, N. J.
Byron	Gibbs	Mills, La.	Thorkelson
Caldwell	Gifford	Mott	Tinkham
Cartwright	Gilchrist	Murdock, Utah	Tolan
Casey, Mass.	Green	Nelson	Wadsworth
Cluett	Hall, Edwin A.	O'Day	Wallgren
Coffee, Wash.	Hall, Leonard W.	Osmer	Warren
Collins	Harrington	Patman	Whelchel
Creal	Havener	Patton	White, Ohio
Cullen	Healey	Reece, Tenn.	Wigglesworth
Darden, Va.	Hook	Richards	Williams, Mo.
Darrow	Houston	Robison, Ky.	Winter
DeRouen	Izac	Rockefeller	Wood
Dies	Jacobsen	Romjue	
Dirksen	Jenks, N. H.	Schaefer, Ill.	
Doughton	Jennings	Scrugham	

The SPEAKER. On this roll call 322 Members have answered to their names. A quorum is present.

On motion of Mr. RAMSPECK, further proceedings under the call were dispensed with.

## THE LATE LINCOLN LOY M'CANDLESS

Mr. KING. Mr. Speaker, I ask unanimous consent to speak for 1 minute.

The SPEAKER. Is there objection to the request of the Delegate from Hawaii?

There was no objection.

Mr. KING. Mr. Speaker, a wire from Honolulu informs me that my predecessor here in Congress, the Honorable Lincoln Loy McCandless, died yesterday in Honolulu, soon after celebrating his eighty-first birthday.

His death is a loss to our community, where he has taken an important part in business and civic affairs for nearly 60 years, and to the Democratic Party of Hawaii, of which he was a leading spirit and for which he fought valiantly.

Mr. McCandless was born in the town of Indiana, Pa., September 18, 1859, was educated in the public schools of West Virginia, and arrived in Hawaii as a young man, in his twenties, on February 15, 1882. Together with his brothers he became one of the pioneer builders of our community and helped develop our agricultural and ranching industries.

He was a representative in the legislature of the former Republic of Hawaii; was one of the band of patriotic Americans who worked unceasingly to bring Hawaii under the American flag, and after the annexation of Hawaii served as a member of the Senate of the Territorial Legislature. In 1932 he was elected the Delegate in Congress from Hawaii, serving in the Seventy-third Congress.

We were opponents in politics, but I wish to pay my respects to his sincere patriotism, his great contributions to Hawaii, his adopted home, and his indomitable spirit, which carried him through an active and full life to the end. To the memory of a fighter who never gave up until the last call, and to his family, aloha.

## AUTHORIZING SECRETARY OF INTERIOR TO LEASE OR SELL CERTAIN LANDS IN PALM SPRINGS RESERVATION

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill H. R. 7738, an act to amend the act entitled "An act to authorize the Secretary of the Interior to lease or sell certain lands of the Agua Caliente or Palm Springs Reservation, Calif., for public airport use, and for other purposes," with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. ROGERS]?

There was no objection, and the Speaker appointed the following conferees on the part of the House: Messrs. ROGERS of Oklahoma, CARTWRIGHT, and BURDICK.

## EXEMPTING CERTAIN INDIANS AND INDIAN TRIBES FROM THE PROVISIONS OF THE ACT OF JUNE 18, 1934

Mr. ROGERS of Oklahoma. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (S. 2103) to exempt certain Indians and Indian tribes from the provisions of the act of June 18, 1934 (48 Stat. 984), as amended, with House amendments thereto, insist on the House amendments, and agree to the conference requested by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma [Mr. ROGERS]?

There was no objection, and the Chair appointed the following conferees on the part of the House: Messrs. ROGERS of Oklahoma, HILL, and SCHAFER of Wisconsin.

## EXTENSION OF REMARKS

Mr. ENGEL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein a letter from the Secretary of War, together with two break-downs showing the construction of tent camps and wood army camps.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. ENGEL]?

There was no objection.

Mr. TINKHAM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include therein an article from the Gaelic American entitled "Is the United States To Be Incorporated in the British Empire?"

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. TINKHAM]?

There was no objection.

## PERMISSION TO ADDRESS THE HOUSE

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute and to extend my own remarks in the RECORD.

The SPEAKER. The Chair cannot recognize the gentleman for that purpose at this time.

Mr. HOFFMAN. Then, Mr. Speaker, I ask unanimous consent to address the House for 10 minutes today after the disposition of all legislative business in order for the day and at the conclusion of any special orders heretofore entered.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

## EXTENDING THE CLASSIFIED CIVIL SERVICE OF THE UNITED STATES

Mr. RAMSPECK. Mr. Speaker, I call up the conference report on the bill (H. R. 960) extending the classified civil service of the United States, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. RAMSPECK]?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report and statement are as follows:

## CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 960); extending the classified civil service of the United States, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 8, 11, 12, 24, 30, and 32.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 5, 6, 9, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, and 31, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the

following: "or to any position to which appointments are made by the President by and with the advice and consent of the Senate, or to positions of assistant United States district attorney"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "And provided further, That the Civil Service Commission may require the submission of fingerprints of applicants for competitive or noncompetitive examinations ordered or conducted by the Commission, but may not require the submission of a photograph of any applicant"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(b) That from and after the effective date of this Act any person who shall have served for four years as a secretary, clerk or assistant clerk to a Senator, Representative, Delegate or Resident Commissioner, or as a clerk or assistant clerk to a standing committee of the Senate or House of Representatives or as a clerical employee of the Senate or House of Representatives and whose separation from the service is involuntary and without prejudice shall acquire, upon passing such suitable noncompetitive examination as the Civil Service Commission may prescribe, a classified civil service status for transfer to a position in the classified civil service notwithstanding any contrary provisions of the civil service laws or regulations: *Provided*, That any individual who may hold such a position in the legislative branch must obtain such transfer within one year from the date of separation, and nothing in this Act shall be construed to impair any right of retransfer provided for under civil service laws or regulations made thereunder."

And the Senate agree to the same.

ROBERT RAMSPECK,  
JENNINGS RANDOLPH,  
FRANK FRIES,

*Managers on the part of the House.*

W. J. BULOW,  
JAS. M. MEAD,  
WALLACE H. WHITE, Jr.,  
LYNN J. FRAZIER,

*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 960) extending the classified civil service of the United States, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommend in the accompanying conference report:

(1) Senate amendment No. 1 excluded the offices or positions in the Tennessee Valley Authority, and the House conferees have agreed to this.

(2) As the bill passed the House it excluded "any positions in or connected with the Work Projects Administration." The Senate struck out the words "or connected with". The reason for this was that considerable doubt has arisen about employees working in other agencies of the government paid from relief funds. It was feared that such employees might be excluded from the provisions of the Act, and that was not intended.

(3) The Senate adopted an amendment excluding positions filled by appointment by the President and confirmed by the Senate, positions of Assistant United States District Attorney, Deputy United States Marshal, and Deputy Collector of Internal Revenue. The House conferees have receded so far as the Presidential appointments and Assistant district attorneys are concerned, but Deputy Marshals and Deputy Collectors of Internal Revenue will come under the provision (provisions) of the bill as agreed to.

(4) Senate amendment No. 4 sought to make the bill apply to people who have been furloughed. The Senate conferees receded from this.

(5) Senate amendment No. 5 provided that only one noncompetitive examination should be given to persons classified under this Act. The House conferees receded from this.

(6) The House receded from this amendment. This is merely a correction in the text.

(7) Senate amendment No. 7 provided for the abolition of the use of photographs by the applicants and permitted the use of fingerprints. The House conferees agreed to a rewriting of this amendment, which results in the same meaning.

(8) The Senate amendment No. 8 defined the term "incumbent" to include persons on furlough. This was not necessary if amendment No. 4 went out, and the Senate receded.

(9) Senate amendment No. 9 struck out what was referred to in the House as the Keller-Nichols quota amendment. The House conferees have receded on this amendment. The Senate conferees contended that overwhelming evidence was presented that this provision would be practically unworkable and would result in upsetting many of the agencies.

(10) Senate amendment No. 10 is the provision relating to employees of the House and Senate. The House has receded, but the section was rewritten. It provides that secretaries and clerks to

Senators, Representatives, Delegates, and Resident Commissioners, clerks and assistant clerks to standing committees, and clerical employees of the House and Senate, who have served four years and are involuntarily separated without prejudice, may acquire a status for transfer to a civil service position upon passing a suitable examination prescribed by the Civil Service Commission. This provision would apply to such employees for one year from the date of their separations.

(11) Senate amendment No. 11 proposed to give anyone who had served fifteen years or longer a civil service status. The Senate receded from this.

(12) Senate amendment No. 12 proposed to give a classified status to the temporary employees of the Bureau of the Census. We were informed that more than half of the 8,000 temporary Census employees came from over-quota states and the District of Columbia. They definitely understood this employment would be temporary. Their names were drawn from civil service registers, and in many cases without regard to their standing on such registers, because people from distant places would not come to Washington to take temporary employment. Their names still remain on the registers for consideration for permanent appointment, and many of these employees have gotten regular probational appointments.

(13) Senate amendments 13 through 22, are corrections of the text and have no effect on the bill.

(23) Senate amendment No. 23 provided that in putting the provisions of the Classification Act of 1923 into effect under this bill, there should be no discrimination on account of race, creed, or color. The House receded from this, because the Constitution of the United States provides that there shall be no such discrimination.

(24) Senate amendment No. 24 provided that there should be no discrimination against any person under this Act on account of the place of his or her residence. Since the House receded on the Keller-Nichols amendment, this was no longer necessary, and the Senate receded.

(25) Senate amendment No. 25 struck out the language adopted by the House which would have prevented the lowering of salaries of people whose grades were lowered under the provisions of this Act. The House conferees receded from this.

(26) The House bill provided that Boards of Review should be set up for employees dissatisfied with efficiency ratings, composed of three or more members, the Chairman to be designated by the Civil Service Commission, and the other members to be designated by the head of the department concerned. Senate amendments Numbers 26, 27, and 28 changed this to limit such Boards to three members, the Chairman to be appointed by the Civil Service Commission, one member to be designated by the head of the department concerned, and the third member to be designated by the employees of the department concerned. The House conferees receded from these amendments.

(29) Senate amendment No. 29 provided that at hearings by these Boards of Review the complaining employee, his representative, and representatives of the department concerned, should be afforded an opportunity to submit orally or in writing any information deemed pertinent by the Board, and the parties to the proceeding should have the right to examine and reply to such information. The House conferees receded from this amendment, because it is no more than is usually allowed in connection with all such hearings.

(30) Senate amendment No. 30 provided that in appointing or fixing requirements for appointment to any governmental position, there should be no discrimination on account of persons being graduated from a particular school, or from schools accredited or rated by any association, organization, or group, or on account of membership or nonmembership of any professional, technical, or other society or association. The Senate receded from this amendment, because the Senate had already passed a bill with the same purport, and such bill has been favorably reported to the House and a rule granted for its consideration. The conferees felt that the legislation should be taken up separately and considered on its merits and not injected into this bill.

(31) Senate amendment No. 31 provided that the compensation of the Civil Service Commissioners should be \$10,000.00 per year, and the compensation of the Executive Director and Chief Examiner of the Civil Service Commission should be \$9,500.00 per year. The House receded from this amendment, because it appears that the Commissioners now receive a salary of \$8,500.00 per year, and this amendment will bring them in line with other officials of the Government in comparable positions.

(32) Senate amendment No. 32 made the effective date of this Act, April 15, 1941. The Senate conferees receded from this.

ROBERT RAMSPECK,  
JENNINGS RANDOLPH,  
FRANK FRIES,

*Managers on the part of the House.*

Mr. RAMSPECK. Mr. Speaker, if the Members of the House will give me their attention I want to attempt to explain to them just what changes have been made in this bill. As the conferees have agreed on the bill the changes in the bill, title I, are the exemption of the Tennessee Valley employees, the exemption of all positions for which the President makes appointment and the Senate confirms, and the exemp-

tion of assistant United States attorneys. With the exception of those exemptions and the employees of the Work Projects Administration, this bill gives the President authority to cover into the civil service by noncompetitive examinations every position in the Government service.

The Senate conferees eliminated the Keller-Nichols amendment, and I understand there is to be some controversy about that. The Senate committee took testimony on that matter and it developed that the Keller-Nichols amendment was unworkable. As a matter of fact, the quota system is very little understood. I have in my hand statement of the quota as it stands at the present time and it shows that a great many of the States now are over their quota, which means that the States under quota get the positions that become vacant under the civil-service law where the quota system applies, which, of course, is only in the departmental service in the District of Columbia.

I have had Members come to me within the last hour and say they intend to vote against this report because the Keller-Nichols amendment was deleted. If they do that, they are not helping the States that are under quota. The positions with which this bill deals are now filled. If you defeat this bill you do not vacate any of these positions and therefore you have no chance to fill them. You do not put them under the quota system if you defeat this conference report, and therefore you have no opportunity to give them to the States that are under quota. But, if you pass this conference report and the President brings 200,000 people under this bill, 20 percent of them, on the average, will fail to pass either the mental or the physical tests and their positions will be vacated and will go to the States that are under quota. Whenever a position is vacant which is under the quota system, the Civil Service Commission does not certify for that vacancy eligibles from States that are over quota. That is all I am going to say about that at the present time, except to say that we did persuade the Senate conferees to recede on an amendment placing temporary employees of the Census Bureau on a permanent status. There are more than 8,000 of those employees, and over 50 percent of them come from over-quota States and the District of Columbia; so we did save those jobs for you.

We accepted a Senate amendment which gives your secretaries, and clerks of committees and clerical employees of the House an opportunity to qualify for civil-service status after serving for 4 years, provided they pass a noncompetitive examination.

Mr. MASON. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Illinois.

Mr. MASON. Do they have to be separated from the service as secretaries before they can apply?

Mr. RAMSPECK. Yes; they must be involuntarily separated without prejudice. This was done, I may say, for the protection of the membership as well as the service, because otherwise we would have found our offices a channel for people seeking employment.

Mr. LUTHER A. JOHNSON. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Texas.

Mr. LUTHER A. JOHNSON. I notice the last sentence in the conference report relates to the situation the gentleman has just mentioned, that secretaries being separated from the service involuntarily may be admitted to the civil service by a noncompetitive examination. The last sentence reads as follows:

Nothing in this act shall be construed to impair any right of retransfer provided for under civil-service laws or regulations made thereunder.

What is the meaning and significance of that sentence?

Mr. RAMSPECK. The meaning of that is that if they secure an appointment under this provision then they shall have the same right to transfer as any other employee who came into the civil service through competitive sources. It is a protection to them, I may say to the gentleman.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentlewoman from Massachusetts.

Mrs. ROGERS of Massachusetts. Of course, as far as the secretaries and clerks are concerned, we are really blanketing them in, we are not creating positions in the civil service. This is really not a civil-service measure.

Mr. RAMSPECK. That is true; but I do not believe the gentlewoman objects to that, does she?

Mrs. ROGERS of Massachusetts. I should like to have them have it, but I wish to bring out my argument that most of this is really not civil service.

Mr. PEARSON. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Tennessee.

Mr. PEARSON. I should like to ask the gentleman the purpose of Senate amendment number 7, which deals with the question of submission of photographs of the various parties blanketed in under the provisions of this bill.

Mr. RAMSPECK. I may say to the gentleman that I happened to be on the Senate floor when that amendment was offered by a distinguished Member of the other body. He said that in part it was to protect these people from racial discrimination. It was also alleged that photographs sometimes militated against others who were referred to as being homely in appearance.

Mr. PEARSON. Is there any valid reason why an applicant for a civil-service position should not be required to submit a photograph of himself or herself, as the case may be?

Mr. RAMSPECK. I do not know of a valid reason; no.

Mr. PEARSON. Has it always been the custom of the Civil Service Commission to require photographs to be submitted where parties were applying for civil-service positions?

Mr. RAMSPECK. I cannot say that it has always been the custom, although it has been so for some years; but it is simply a rule of the Commission. There is no law regarding it. Of course, the gentleman would agree with me, I am quite sure, that the Constitution states there shall be no discrimination. If it has been used for that purpose, it has been used in violation of the Constitution.

Mr. PEARSON. What might be a discrimination from an administrative standpoint might not be one from a legislative standpoint. May I ask the gentleman whether or not doing away with the submission of photographs will affect only those who are affected by the provisions of this bill, or will it affect any applicant for a civil-service position outside the provisions of this bill?

Mr. RAMSPECK. It applies to all future applications for civil-service positions.

Mr. PEARSON. To any civil-service position?

Mr. RAMSPECK. Yes.

Mr. PEARSON. I thank the gentleman.

Mr. RAMSPECK. Frankly, I do not believe it makes any difference, because the appointing officers, of course, have a right to interview the applicants.

Mr. SPENCE. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Kentucky.

Mr. SPENCE. May temporary employees working under the emergency appropriation be blanketed in under this bill by Executive order?

Mr. RAMSPECK. Yes; except for the Work Projects Administration.

Mr. SPENCE. There are a certain number of such employees in the Treasury Department. Do they come under this bill?

Mr. RAMSPECK. It is the intention to cover all the employees of that character, if I understand the character of employees the gentleman has in mind, who get their pay from funds appropriated in what we call the relief bill but who are not employed by the Work Projects Administration.

Mr. SPENCE. It is the intention of the framers of the bill to cover those people?

Mr. RAMSPECK. Yes.

Mr. LEWIS of Colorado. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Colorado.

Mr. LEWIS of Colorado. What about the employees of the Public Works Administration?

Mr. RAMSPECK. Those that are still on the rolls will be covered by this bill. Of course, those that are on furlough will not be covered.

Mr. LEWIS of Colorado. They will not be covered?

Mr. RAMSPECK. No.

I reserve the balance of my time, Mr. Speaker.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I will yield for a question, but not for an observation because the gentlewoman from Massachusetts is going to have time.

Mrs. ROGERS of Massachusetts. Yes; but very little.

Mr. RAMSPECK. I am not going to yield for an observation, but if the gentlewoman wants to ask me a question I will yield.

Mrs. ROGERS of Massachusetts. I understand that, strictly speaking, the civil-service workers should make a violent protest about the people who are paid from W. P. A. funds who are doing the same work that they are doing. If they make a protest against that they will probably win their point because, I understand, it is not legal to pay people from W. P. A. funds where they should be civil-service jobs.

Mr. RAMSPECK. Nobody paid by the W. P. A. comes under this bill.

Mrs. ROGERS of Massachusetts. Yes; I understand it is an illegal thing, but it has been done in many instances.

Mr. RAMSPECK. I do not know anything about that and, of course, that has nothing to do with this bill.

Mrs. ROGERS of Massachusetts. It concerns the bill because they should not be blanketed in.

Mr. RAMSPECK. We are not blanketing in any W. P. A. people.

Mr. PACE. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to my colleague from Georgia.

Mr. PACE. Will the gentleman just state the employees that are not covered by this bill?

Mr. RAMSPECK. It does not cover the Work Projects Administration employees; it does not cover the Tennessee Valley Authority employees; it does not cover any position to which the President appoints, by and with the advice and consent of the Senate; and it does not cover assistant United States attorneys.

Mr. PACE. That is all?

Mr. RAMSPECK. Those are all the exemptions.

Mr. HARTER of New York. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I am sorry, but I shall have to reserve the balance of my time, because I want to yield gentlemen some time.

Mr. Speaker, I yield 10 minutes to the gentlewoman from Massachusetts.

Mr. NICHOLS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. THOMASON). The gentleman will state it.

Mr. NICHOLS. If the House desired to instruct its conferees as to particular provisions in this conference report, it would first be necessary to vote down the conference report, and after the conference report was voted down, then such motions to instruct them would be in order. Is that correct?

The SPEAKER pro tempore. The gentleman from Oklahoma is correct.

The gentlewoman from Massachusetts is recognized for 10 minutes.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I am a firm believer in the merit system for civil service and always live up to it myself, and make my appointments accordingly. This is a mock civil-service bill. I believe many of the provisions of the conference report will not be acceptable to the Members of the House. Several people are going to speak regarding the quota provision or the elimination of the Nichols amendment; others may speak also of barring those who are doing the census work at the present time. I want to remind the House that the workers at the Census Bureau

are those who have taken and passed civil-service examinations and yet those people will be debarred from the provisions of this bill. In other words, if it were a real merit bill, why leave out those who are working in the Census, the only ones who won their spurs and passed an open competitive examination? They are now on the eligible rolls of the civil service.

I want to call the attention of the House again to the fact that the President at the present time, in fact for the past 7½ years, could have blanketed into the civil service 40,000 or 50,000 of these workers or could have required an open competitive civil-service examination to be held. I ask you, in the name of common sense, if the administration wanted a merit bill or wanted the merit system or a real civil-service system, in the beginning when these measures passed the House they would have required that the people going into these Departments pass open competitive examinations, but instead they eliminated the civil-service provisions. I want to remind the House that many of these people could not pass an open competitive test, as was brought out by the Commissioner of Civil Service, both before the House and Senate committees. The hearings will show that in an open competitive examination, even after 7½ years of experience, only 20 percent probably could pass such an examination. I ask you, Mr. Speaker, if you feel it is fair to have 1,000,000 eligibles now on the civil-service list, to blanket these persons in by noncompetitive tests. We all know what noncompetitive tests mean. These people are not only blanketed into the civil service, but they go ahead of those on the civil-service eligible list of today.

In other words, these 1,000,000 people will have to wait until these other people are taken care of, not only now but in the years to come, because these people who are blanketed in will be on the list for reemployment and will take precedence over those on the present eligible list.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the very able and distinguished gentlewoman from Massachusetts yield at this point?

Mrs. ROGERS of Massachusetts. I shall be very glad to yield to the gentleman from Wisconsin.

Mr. SCHAFER of Wisconsin. And those political-spoils-system appointees who are blanketed into the civil service for lifetime jobs under this bill will be blanketed in if they only make a passing grade of 70 in the noncompetitive examinations while among those millions now on the civil-service eligible list who have taken civil-service examinations, there are many, many thousands who have made grades as high as 95 or 98 percent in competitive civil-service examinations.

Mrs. ROGERS of Massachusetts. Oh, yes; many hundreds of thousands, and it is manifestly unfair.

Mr. SCHAFER of Wisconsin. And therefore, in view of that fact, this bill is not a merit-system bill in any manner whatsoever.

Mrs. ROGERS of Massachusetts. No; it is a trick bill, and I doubt very much if it pleases even the people who are supposed to be taken in under its provisions.

I wish to call the attention of the House also to the fact that Commissioner Fleming has stated several times before the Appropriations Committee that he did not have the funds to examine applicants, so far as character goes. We know what happened in Detroit—the throwing out of a window by an R. F. C. employee of a waste-paper basket and other things. I do not mean to imply that all these political appointees are like that, but there are many employees in the Government today who have communistic tendencies. Do you realize that those people may be blanketed in without a proper character test and with no proper examination?

Mr. Speaker, I should like to reserve the balance of my time.

Mr. RAMSPECK. Mr. Speaker, a parliamentary inquiry. The SPEAKER pro tempore (Mr. THOMASON). The gentleman will state it.

Mr. RAMSPECK. When time has been yielded to a Member by the person in charge of a conference report, can that Member reserve part of the time?

The SPEAKER pro tempore. Of course, the gentleman has control of the time.

Mr. RAMSPECK. I yielded 10 minutes to the gentleman from Massachusetts. She now wishes to reserve part of her time.

The SPEAKER pro tempore. The gentleman from Massachusetts cannot do that.

Mrs. ROGERS of Massachusetts. How much time have I consumed, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has consumed 5 minutes.

Mrs. ROGERS of Massachusetts. If I cannot reserve part of my time I will proceed.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I wish to bring to the attention of the House the matter of W. P. A. workers who are connected with the W. P. A., who are paid from W. P. A. funds, working side by side, doing the same kind of work, with regular civil-service employees. For instance, in some of the departments a man at one desk has civil-service status. The man on the next desk is paid for with W. P. A. money, but does not have a civil-service status for that position. All those men will be blanketed into the civil service and during all this time if the civil-service workers had wanted to make a protest, I understand that those people could not have been paid with W. P. A. funds, and their positions could only have been filled by civil-service workers.

This is manifestly an unfair provision, and I ask the chairman of the committee if he knows how many people will be taken in under this provision?

Mr. RAMSPECK. Not any. The W. P. A. is exempted.

Mrs. ROGERS of Massachusetts. But those connected with the W. P. A.

Mr. RAMSPECK. There are not any connected with the W. P. A.

Mrs. ROGERS of Massachusetts. They are paid from W. P. A. funds. In order to clarify this, I quote from item 2 of the statement of the managers on the part of the House. It follows, and it speaks for itself:

(2) As the bill passed the House it excluded "any positions in or connected with the Work Projects Administration." The Senate struck out the words "or connected with." The reason for this was that considerable doubt has arisen about employees working in other agencies of the Government paid from relief funds. It was feared that such employees might be excluded from the provisions of the act, and that was not intended.

Mr. RAMSPECK. I will say to the gentleman from Massachusetts that some years back it was true that that money was appropriated to the W. P. A. and then allocated to other agencies. That is not true any more. They are paid now by money that is appropriated in the same appropriation bill.

Mrs. ROGERS of Massachusetts. But those who are connected with the W. P. A. will be blanketed in.

Mr. RAMSPECK. I do not construe that they are connected with it simply because they get their money out of the same appropriation bill. The Treasury Department and the Post Office Department are covered in the same bill, but I would not say that the Post Office Department is connected with the Treasury Department.

Mrs. ROGERS of Massachusetts. I am told it is an illegal provision. Will the gentleman tell me how many will be blanketed in in that way?

Mr. RAMSPECK. I do not have any idea how many there are.

Mrs. ROGERS of Massachusetts. I have tried to get those figures, without success.

Mr. RAMSPECK. There are some in the Treasury Department, the General Accounting Office, and various places.

Mrs. ROGERS of Massachusetts. I believe that many of the political appointees will be disappointed in their noncompetitive examinations, because it is the easiest thing in the world for a noncompetitive examination to be given so that the person whom the department desires to pass will pass and those whom the department wants to fail will fail.

Mr. REES of Kansas. Mr. Speaker, will the gentleman yield?

Mrs. ROGERS of Massachusetts. I will be glad to yield to the gentleman from Kansas.

Mr. REES of Kansas. I think it was admitted in the committee hearings before the Senate that if there were a competitive examination, possibly 75 percent of those now holding jobs would lose their positions. Is that not correct?

Mrs. ROGERS of Massachusetts. That is correct. That was brought out by the chairman of the Civil Service Commission, who testified before our committee.

Mr. REES of Kansas. Even with an examination of 70 percent, noncompetitive, they admitted about 20 or 25 percent would lose their jobs. Is that not correct?

Mrs. ROGERS of Massachusetts. Yes. In other words, they are saying that they would like to take into the Government service permanently people who are not capable of doing the work.

Mr. REES of Kansas. Is this not a time when we ought to be tightening up on propositions like this rather than loosening up?

Mrs. ROGERS of Massachusetts. I think the gentleman is correct. Particularly in these times of stress, when we have many enemies without our gates, and within the Government itself.

Mr. REES of Kansas. I think the gentleman had a letter this morning from someone who told her that this bill was a part of the national-defense program. Does the gentleman have time to connect the two together, or can she tell us how the civil service, which has been in operation since 1883, can be connected up with the national-defense program?

Mrs. ROGERS of Massachusetts. This is a very dangerous measure so far as national defense is concerned. There are 44,390 people, for instance, employed in the War Department today who might be frozen in under this bill. Imagine taking those persons, perhaps some of them Communists or members of the Bund, into civil service by noncompetitive examinations, freezing them in. I declare, this is all wrong. [Applause.]

Following is a letter I have received from the Civil Service Commission, giving the latest available figures concerning the classified and unclassified positions:

UNITED STATES CIVIL SERVICE COMMISSION,  
Washington, D. C., October 3, 1940.

Hon. EDITH NOURSE ROGERS,  
House of Representatives.

DEAR MRS. ROGERS: In response to your personal request yesterday the Commission advises you that the latest figures compiled showing the number of classified civil-service positions and the number of unclassified civil-service positions in the Federal Government are as of December 1939; the June 30, 1940, figures will not be available for some time.

In December 1939 there were 660,594 classified positions and 271,711 unclassified positions, a total of 932,305. Among the number of nonclassified positions are from 40,000 to 50,000 in what is known as schedules A and B of the civil-service rules which positions may be classified by the President whether or not H. R. 960 becomes law. Of the remaining number of unclassified positions so many of them are intermittent, part time, seasonal, or cooperative that the Commission believes the number likely to be brought into the classified service if H. R. 960 becomes law would be from 125,000 to 150,000.

You will note from the third column of figures in the attached table that the departments and establishments in which the greatest number of nonclassified persons are employed are:

Treasury Department.....	20,556
War Department.....	44,390
Justice Department.....	5,007
Post Office Department.....	3,894
Navy Department.....	7,284
Interior Department.....	26,986
Agriculture Department.....	53,106
Federal Loan Agency.....	19,739
Federal Security Agency.....	4,433
Federal Works Agency.....	38,021
Panama Canal.....	14,867
Tennessee Valley Authority.....	14,597

Although the State Department in December 1939 had 4,792 unclassified positions the greater number of these were in the Foreign Service of the Department subject to the merit system established by the Rogers Act.

Very sincerely yours,

L. A. MOYER,  
Executive Director and Chief Examiner.

TABLE 2.—Civil employment in the executive branch of the U. S. Government by classification status of positions and place of employment December 1939<sup>1</sup>

Department or independent establishment	Entire service			In the District of Columbia			Outside the District of Columbia		
	Total	Classified	Unclassified <sup>2</sup>	Total	Classified	Unclassified <sup>2</sup>	Total	Classified	Unclassified <sup>2</sup>
Office of the President:									
Executive staff.....	753	147	606	529	147	382	224		224
Maintenance force.....	141		141	141		141			
Executive departments:									
State.....	6,249	1,457	4,792	1,076	907	169	5,173	550	4,623
Treasury.....	60,216	39,660	20,556	19,054	15,655	3,399	41,162	24,005	17,157
War.....	123,624	79,234	44,390	6,470	4,972	1,498	117,154	74,262	42,892
Justice.....	10,075	5,068	5,007	3,009	1,445	1,564	7,066	3,623	3,443
Post Office <sup>1</sup> .....	291,114	287,220	3,894	4,476	4,327	149	286,638	282,893	3,745
Navy.....	99,024	91,740	7,284	12,845	12,219	626	86,179	79,521	6,658
Interior.....	45,844	18,853	26,991	6,881	5,147	1,734	38,963	13,711	25,252
Agriculture <sup>3</sup> .....	86,250	33,144	53,106	12,165	7,883	4,282	74,085	25,261	48,824
Commerce.....	8,535	6,952	1,583	5,803	5,344	459	2,732	1,608	1,124
Labor.....	6,759	6,239	520	2,243	1,991	252	4,516	4,284	263
Independent establishments:									
Alley Dwelling Authority.....	44	40	4	44	40	4			
American Battle Monuments Commission.....	87	8	79	9	8				
Board of Governors, Federal Reserve System.....	434		434	412		412	78		78
Board of Tax Appeals.....	128		128	67		67	22		22
Civil Aeronautics Authority.....	4,534	4,450	84	1,236	1,089	147	3,698	3,361	337
Civil Service Commission.....	1,829	1,796	33	1,417	1,384	33	412	412	
Employees' Compensation Commission.....	620	514	106	464	458	6	56	56	
Farm Credit Administration.....	3,171	1,463	1,708	1,286	1,126	160	1,885	337	1,548
Federal Communications Commission.....	624	596	28	429	401	28	195	195	
Federal Deposit Insurance Corporation.....	1,388	537	851	483	384	99	905	153	752
Federal Loan Agency.....	19,894	155	19,739	4,500	64	4,436	15,394	91	15,303
Federal Power Commission.....	790	489	301	521	354	167	269	135	134
Federal Security Agency.....	20,819	16,386	4,433	4,406	3,841	565	16,413	12,545	3,868
Federal Trade Commission.....	660	327	333	673	301	272	87	26	61
Federal Works Agency.....	46,659	8,638	38,021	12,166	4,517	7,649	34,493	4,121	30,372
General Accounting Office.....	5,109	2,237	2,872	5,109	2,237	2,872			
Golden Gate International Exposition Commission.....	25		25	3		3	22		22
Government Printing Office.....	5,874	5,600	274	5,874	5,600	274			
Interstate Commerce Commission.....	2,661	2,645	16	1,853	1,844	9	808	801	7
Maritime Commission.....	1,581	1,469	112	929	828	101	652	641	11
Maritime Labor Board.....	34	31	3	32	29	3	2	2	
Mount Rushmore National Memorial Commission.....	47		47	2		2	45		45
National Advisory Committee for Aeronautics.....	715	681	34	62	61	1	653	620	33
National Archives.....	353	352	1	353	352	1			
National Capital Park and Planning Commission.....	28	12	16	28	12	16			
National Labor Relations Board.....	874	449	425	480	262	218	394	187	207
National Mediation Board.....	73	33	40	25	17	8	48	16	32
New York World's Fair Commission.....	14		14				14		14
Panama Canal.....	16,505	1,638	14,867	126	126		16,379	1,512	14,867
Railroad Retirement Board.....	2,352	2,317	35	1,383	1,348	35	969	969	
Securities and Exchange Commission.....	1,616	907	709	1,282	780	502	334	127	207
Smithsonian Institution.....	486	355	131	486	355	131			
Tariff Commission.....	303	290	13	295	282	13	8	8	
Tennessee Valley Authority.....	14,597		14,597	10		10	14,587		14,587
Veterans' Administration.....	38,493	36,393	2,100	5,247	5,188	59	33,246	31,205	2,041
Total.....	932,305	660,594	271,711	126,345	93,392	32,953	805,960	567,202	238,758

<sup>1</sup> Exclusive of temporary employees in substitute grades of the Post Office Department consisting of 1,061 in the District of Columbia and 53,376 outside the District of Columbia who were included in the monthly report of employment and pay rolls for December 1939.

<sup>2</sup> The unclassified positions which are excepted from the competitive requirements of the Civil Service Act and rules in the several departments and independent establishments include all unclassified positions regardless of whether financed by regular or emergency funds. They also include unclassified positions where the employees occupying these positions have civil-service status and unskilled laborers who are appointed in accordance with the provisions of the labor regulations promulgated by the President.

<sup>3</sup> Includes employees hired under special letters of authorization.

Mr. RAMSPECK. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. KELLER].

Mr. KELLER. I will not take the 5 minutes; I will not take 1 minute.

Mr. Speaker, I have been against the acts of the Civil Service Commission for many years because they have not been fair in allocating the jobs among the several States. The present Commission, however, has been doing a lot better than its predecessors. I have their assurance, and I believe it is true, that they will as a matter of fact from now on obey the law strictly and specifically in that regard and give to the States that are under their quota the number that is coming to them. For this reason I am going to vote for the conference report.

Mr. SPEAKER, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Illinois yields back 4 minutes.

Mr. RAMSPECK. Mr. Speaker, I yield 10 minutes to the gentleman from Kansas [Mr. REES].

Mr. REES of Kansas. Mr. Speaker, I am opposed to the adoption of the conference report and am against the passage of this bill. Let it be understood that I am very strongly in favor of a fair, competitive civil-service merit system. I am in favor of doing everything possible to strengthen and improve our civil-service laws. I believe the positions involved in this bill should be under civil service. As a matter of fact, they should have been under civil service when they

were created. But the method provided in this bill is not fair and there is no justification for trying to correct a wrong already committed, by the backhanded method which you are using under the guise of civil service.

I am opposed to this bill because it does not provide for fair, open, competitive examinations for these positions that are to be under civil service. In substance, this bill says approximately 250,000 or more political appointees will be blanketed into civil service and permitted to hold their jobs during life tenure, provided only that they are able to make a grade of at least 70 percent on a noncompetitive basis. This chosen group will then acquire the same status and have the same privileges granted to those who earned their positions on a competitive basis, including retirement benefits and annuities.

It has always been my understanding that open and free competition for positions in Government work is in line with the principles of a democratic form of government. When you adopt this conference report and pass the bill, you are going to give some 250,000 politically selected employees the protection of noncompetitive examinations. You are going to eliminate one of the most important factors in the civil-service system—the right of an individual to open competition for Government positions. I just do not see how Members of this Congress can sidestep that principle. Regardless of which party is in power, whether it be Republican or Democratic, political preference does not belong in a merit system.

There are about 4,000,000 young men and women of this country—college and high-school graduates—who do not have permanent positions. Under this measure you close the door to 250,000 jobs which you are bringing under civil service and you tell these young people they cannot compete for them.

Mr. Speaker, there are approximately 800,000 qualified men and women who have successfully passed competitive civil-service examinations. Their names are on the eligible registers. Under this bill, you bring more than 250,000 jobs under civil service, and then turn right square around and tell these 800,000 applicants that even though they may be qualified for part or all of these jobs, they have no right to compete for them. Political patronage has already filled the jobs, and by this bill you are "freezing-in" those job holders. The only exception would be, of course, if some of the appointees received less than a 70-percent grade on the noncompetitive basis.

I have before me an article which appeared in the press a few days ago. It estimates that if competitive tests were required, the mortality among the incumbents on these jobs may reach as high as 70 percent. But even if 50 percent or half of them would fail a competitive examination, why should we permit them to hold their jobs when we have thousands on the eligible registers who have shown themselves to be better qualified to do the work. Government officials admit that under the easy method provided in this bill that approximately 20 percent will not be able to make even a grade of 70 percent. Tell me why a man or woman who has taken an examination in good faith and received a grade of 80 percent or 90 percent should stand aside for somebody who happens to hold the job and can get a grade of 70 percent without competition. I do not want these people to lose their jobs any more than you do. I would be willing to allow them some credit for their experience but do think they should be willing to compete with the fellow on the outside.

Mr. Speaker, the people who hold these jobs receive substantial salaries. Their working hours are not long—the maximum in most cases is 39 hours per week. They are allowed retirement benefits and annuities, as well as vacations and sick leave. They are employees of the people of this country. In turn, the people supporting this Government and paying these salaries are entitled to the very highest quality of efficiency and industry. I do not maintain that the present incumbents are not qualified—not for a moment. But I do believe they should be willing and glad to meet the standards of a real civil-service system, on a fair competitive basis.

Mr. Speaker, about 2 years ago the chairman of our committee submitted legislation to bring these jobs under civil service by open, competitive examinations. This bill provided for open competitive examinations. Hearings were held. The legislation was approved by many groups, including the American Federation of Government Employees. Col. Charles I. Stengle, as president of that organization, said:

It also happens that this bill embodies to a very large extent one of the outstanding planks in our legislative program. We are happy to know it is not only in conformity with our program but it seems there is a harmony—a most unusual harmony—between the President's program, your program, and our program.

In these hearings concerning H. R. 2700 Mr. Kaplan, representing the Civil Service Reform League, said:

The Ramspeck bill now before you for consideration is a proposal that our national league has advocated for a long time.

That bill, as I have said before, provided for competitive civil-service examinations.

I am informed these groups have more or less decided that if they cannot have that original bill providing for competitive examinations, they are willing to accept the non-competitive provisions rather than have nothing at all. That is my understanding of it. That bill, which I favored, was not voted upon by the committee. We were informed the President's reorganization plan did not favor competitive examinations for these positions. This bill, H. R. 960, was reported instead.

Mr. Speaker, when these 250,000 jobs were created during the past 6 or 7 years, Congress deliberately and intentionally, and in the name of emergency, exempted them from

the civil-service merit system. It was a mistake, and you know it.

But this is not the way to rectify it. The way to correct that mistake is to take a little more time and use the democratic method of open competitive examinations. Make these jobs civil service in fact as well as in name. It has been decided all at once that it is for the best interests of the country to put these politically appointed employees under civil service. We are still, or again, in an emergency—in a great hurry to get this done. Although, as I said before, we have waited 5, 6, or 7 years to get around to it.

Something has been said about previous administrations having covered in Government positions without competitive examinations. I do not approve such action by either party. But, never in the history of our country has there been such a wholesale covering-in of jobs as is being done this afternoon. As a matter of fact, this administration has already included in civil service by Executive order some 60,000 or 70,000 jobs, without competitive examination.

Mr. Speaker, in March 1933 there were approximately 560,000 Federal employees outside the Army and Navy. Eighty-three percent of them were under civil service. In January 1940 that number had grown to an all-time high of 920,000, with only 66 percent under civil service. At the end of July 1940 the number was increased to an unprecedented figure of 1,023,341 and is increasing by the thousands every week. We have added Government workers to our pay roll during the last 2 years at the rate of 10,000 or 12,000 per month. The annual pay roll for their salaries is more than one and one-half billion dollars.

The question you are to decide this afternoon is whether you want to maintain one of the greatest principles of democracy—and that is to give every man and woman who is qualified, a fair and even chance to seek a position in this Government of ours, on the basis of qualifications and ability. That is the merit system. This bill does not follow such a principle. It is a subterfuge for the protection—for the "freezing in" of a select group of persons who may or may not be qualified for their jobs, and who got them by political patronage—which is the antithesis of a fair, democratic merit system. Members of the House—I am not concerned about the Democrats or the Republicans in the consideration of this measure. But I am deeply concerned about securing the very highest type of service to be obtained for the departments of our Government—and the best way to secure the highest class of efficient service is through fair, competitive examinations, and likewise adhere to the democratic method of permitting all qualified persons, regardless of party, to have a chance for the job.

Mr. Speaker, this House adopted an apportionment amendment, intended to stop the abuse of our present law providing that civil-service jobs shall be distributed among the several States and the District of Columbia in accordance with their population. For example, the District of Columbia is entitled to approximately 200 employees and has between 8,000 and 9,000. Some of our Eastern States have twice the number to which they are entitled. This amendment should go back into this bill.

Mr. Speaker, we have done so many things in the name of emergency during the past 7 years. There is no emergency about this measure. I think it is for the best interests of our people that the bill be turned down and the Committee on the Civil Service requested to report a measure bringing these jobs under civil service and giving everyone who is qualified a fair chance to compete for them in an open, competitive examination. You would then have a real merit system. If I thought this was a real civil-service bill I would gladly support it. It is not civil service. It is lip service. [Applause.]

Mr. MICHENER. Mr. Speaker, will the gentleman yield?

Mr. REES of Kansas. I yield to the distinguished gentleman from Michigan.

Mr. MICHENER. Did I understand the gentleman to say that 20 percent of the people holding these political appointments will not be able to pass an examination to continue in their present jobs? Every law creating New

Deal agencies from A. A. A. up or down exempted these new positions from the civil-service law, and now all those 200,000 jobs are to be covered into the civil service without competitive examination.

Mr. REES of Kansas. The testimony before the committee was to the effect that about 20 percent would fail in the noncompetitive examinations. That was an estimate.

I understand from an article put out by those who favor civil service, it is estimated that 70 percent of the present non-civil-service employees would fail in a competitive examination. But if the number were only 50 percent, why withhold these jobs from those who could or have passed competitive examinations?

We are faced with conflicting statements. On the one hand they say it blankets the jobs into civil service and on the other hand it says it blankets the holders of the jobs under civil service. Certainly it cannot be called a merit system when the individuals are blanketed in without a proper examination.

Mr. VORYS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. REES of Kansas. I yield to the distinguished Member from Ohio.

Mr. VORYS of Ohio. Is it not true that the difference between those who would pass under a competitive examination as compared with those who would pass under a noncompetitive examination is about 175,000? And if this is so this bill will result in the retaining in office of 175,000 people who are not qualified.

Mr. REES of Kansas. That is approximately correct; yes. Not as well qualified as they should be.

Mr. ROGERS of Massachusetts. Will the gentleman yield?

Mr. REES of Kansas. I am glad to yield to the gentleman from Massachusetts.

Mrs. ROGERS of Massachusetts. The gentleman made a very fine statement about the quota system. I wish he would tell the House about that. I know there is great interest among Members who have spoken to me about that. It would be very bad to eliminate the quota system.

Mr. REES of Kansas. I believe the gentleman from Oklahoma [Mr. NICHOLS] will give us a pretty good discussion of that. I would like to suggest, however, that I do not see how advocates of a merit system could support legislation that does not adhere to a fair-quota system.

Mr. RAMSPECK. Mr. Speaker, I yield 8 minutes to the gentleman from Oklahoma [Mr. NICHOLS].

Mr. NICHOLS. Mr. Speaker, my position with regard to the present functioning of the civil-service law is well known. I have many times said it was not a merit system, and I repeat that statement. May I say to you today that unless you stop such things as are proposed by the provisions of this act the civil service, as we know it today, will soon become an octopus that will suck the lifeblood out of your Government. [Applause.]

Let us talk about the Keller-Nichols amendment, for which my distinguished colleague the gentleman from Illinois [Mr. KELLER] has now lost affection. This does not apply to me. I was convinced at the time this bill was under consideration that, since this is a democracy, the law which says that civil-service employees should be selected upon a quota based upon population was a good law. I have been laboring under the opinion that my people in Oklahoma, the people of Texas, the people of Illinois, and other parts of the United States—fine American citizens all—are as much entitled to this cloak of protection that the Government furnishes, called civil service, as are the people from Maryland, Virginia, the District of Columbia, New York, and other States.

I will now call this the Nichols amendment since the gentleman from Illinois [Mr. KELLER] has withdrawn his support. The terrible thing about the Nichols amendment is that it says to our neighbors in Maryland, who are 295 percent above their quota, and to the District of Columbia, with their 4,000 percent above their quota, "You just wait with your

295 and 4,000 percent until the rest of the States get what the law says they are entitled to." It does not say to our friends in Maryland, "You fire somebody and let us catch up." Is that a terrible situation? Why, the Marylanders themselves will not object. There is Virginia with 192 percent above its quota. We do not want any of their boys and girls who are under civil service to lose their jobs. We do not want them to even wait until we catch up with them. We just want them to wait until we in Oklahoma and 32 other States in the United States get the number of people under civil service that the law says we are entitled to.

Let me read you the States that are under quota:

California, Alaska, Texas, Louisiana, Michigan, Arizona, South Carolina, Arkansas, Alabama, Mississippi, Ohio, New Jersey, Georgia, Kentucky, North Carolina, New Mexico, Oklahoma, Tennessee, Nevada, Illinois, Wisconsin, Indiana, Connecticut, Vermont, Florida, Rhode Island, North Dakota, and Kansas—

Thirty-two in all.

The distinguished chairman of the committee says that the Civil Service Commission has reformed; that it promises us they are going to be good boys after this, and they are going to pay some attention to the law. They have not in the past, but from now on they are going to make the quotas apply. Yes? Well, there was a joker in the Census Act. I did not know it was in there, and I doubt that many of you did. It had a provision that those employees should be taken under civil service without regard to the quota system.

Here is what happened, and I read now from a statement by George Riley appearing in one of the Washington newspapers:

There have gone into the census for duty in Washington 8,151 temporary employees as of August 31. The distribution by States is interesting. The District of Columbia has supplied 16 percent of the 8,000. New York comes first with 22 percent, 1,803.

In other words, 38 percent of the 8,000 employees which were recently given civil-service employment and employed in the Census Bureau came from the District of Columbia and New York State. That is 38 percent, and no one dares gainsay that.

There are 30 States in this Union of States with fewer than 100 employees in the 8,000 civil-service employees taken into the Census Bureau. Eleven States have between 100 and 200. Seven States have more than 200. Is that distribution? No; I for one am not willing to trust the Civil Service Commission to do equity now that they have failed to do in the past. [Applause.]

I am against this conference report in toto, but certainly if you are to remain fair and honest and true to the trust of your constituents, if you come from a State that is under-quoted, you will be compelled to vote against this conference report in order that you can support a motion I will then make to instruct the conferees to insist on the Nichols amendment.

Do you know that there was not a roll call on that amendment when it passed this House before? It passed on a division vote, and, as I recall, it was 151 for and only 40 against. To the managers on the part of the House let me say from whom do you get your instructions but from this body? By an overwhelming majority they laid down to you a trust, an order, and a command that you insist that this amendment stay in the bill, and you come back here now with no opposition, no one has said they opposed taking it out in the conference. Do you know why? Mr. Mitchell, of the Civil Service Commission, says it just cannot be done, it will not work. Let me say this to Mr. Mitchell and to the other members of the Civil Service Commission—if their intelligence is not such that they can by the manipulation of figures find out what a State is entitled to and give that State what it is entitled to before other States get more than they are entitled to, then we ought to get a new Civil Service Commission. [Applause.]

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Speaker, in answer to the gentleman from Oklahoma who has just taken his seat, may I say that the Civil Service Commission had nothing to do with the fact that the employees of the Census Bureau were not

under the quota system, just as they have nothing to do with the fact that the employees with whom we are dealing in this bill are not under the quota system because Congress exempted them when they took them out from under civil service.

The gentleman criticizes the Civil Service Commission. This present Commission went into office in 1933. At that time the gentleman's own State, Oklahoma, had 196 positions in the District of Columbia in the apportioned service under the quota system. Today the State of Oklahoma has 732 positions, which shows that the Civil Service Commission has done its duty and has given preference to Oklahoma citizens in apportioned or quota positions. The record also shows that during that same period the District of Columbia has lost 2,000 positions in the apportioned service here in the District of Columbia. So the statement made by the gentleman from Oklahoma is based upon a lack of knowledge of the facts, and it is not the fact. The Commission is rapidly adjusting the quota system and doing it just as rapidly as it can under the law.

Mr. COLE of Maryland. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Maryland.

Mr. COLE of Maryland. I should like to know, from the gentleman's intimate study of this problem, if the fact that the State of Maryland has today so many beyond her quota is not due largely—and everybody who knows anything about this subject concedes this, I believe, to be true—that many people from other States receiving employment with the Government in Washington, move across the line into Maryland and, while they are charged to their respective States, relatives and members of their families land jobs through their efforts, and are charged to Maryland—their new home. Obviously, it is not fair to say that Maryland is so much beyond its quota under those circumstances. We should not be penalized because residents of other States, once residing in Maryland, find it ideal as a permanent home.

Mr. RAMSPECK. There is something in what the gentleman says, but primarily the maladjustment of the quota system grew up during the World War when the Commission had to take people from wherever they could get them to fill the positions.

Mr. MAHON. Mr. Speaker, will the gentleman yield?

Mr. RAMSPECK. I yield to the gentleman from Texas.

Mr. MAHON. Is it not true that when one goes into the civil service from a certain State he remains in the service as from that State, whether he lives in Virginia, Maryland, or anywhere else?

Mr. RAMSPECK. I believe the gentleman is correct about that.

May I say before I take my seat again that there are some 16 States that are overquoted, including the large States of Pennsylvania, New York, and other States close by, who have furnished a great many eligibles on the present list. This means that the underquoted States will rise very rapidly. I have the record here on each State to show anyone who questions that statement. I cannot go down the line and enumerate them here in the limited time I have, but I may say that the Commission is adjusting this situation very rapidly.

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. SASSCER].

Mr. SASSCER. Mr. Speaker, from listening to the debate and following the consideration of the bill now under discussion, it is very apparent that the primary purpose of the bill is to protect employees who are in office, some of them technical employees, many of them serving in important positions for which they have been specially trained since joining the Government service. A lot of these employees have had their positions for some years. Some have passed middle age. On that premise, and with the realization that the idea of the bill is to get away from the plunder system and to protect faithful Government employees, it certainly seems to me that an effort to vote down this conference

report would be a vote to accomplish the very opposite purpose, because it has been very openly stated that the purpose of attempting to get this conference report voted down is that in blanketing in these employees who come from overquota States. Instead of protecting the people the bill aimed to protect we would throw them into a plunder system and pull out of employment in the departments at a critical time men and women who are particularly fitted for their jobs. And for what purpose? For the sole and express purpose of making political plunder and getting away from the basic idea of protection of Government employees. I trust, therefore, that the conference report will be adopted. [Applause.]

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. GOSSETT].

Mr. GOSSETT. Mr. Speaker, I want to state that I have supported this so-called Ramspeck civil-service bill from its inception to date. I admire the able, sincere, and distinguished chairman of the Civil Service Committee. This conference report upon which we must now act has greatly changed the original Ramspeck bill.

I rise now to call your attention to the "sight unseen" or "catch as catch can" amendment to this bill—that is amendment No. 7. This amendment will set up an entirely new policy within the Civil Service Commission. This amendment eliminates the attaching of pictures to civil-service job applications. If this amendment is adopted, there is no way of knowing whether the prospective employee is black or white. If this amendment becomes law, employees must be chosen with no idea of their appearance or physical characteristics. These facts are not disclosed by the civil-service papers except through photographs, which some persons now want to eliminate primarily as a sop to Negro voters.

I want to call your attention to the fact that there is a vast difference between racial distinction and racial discrimination. Under this amendment, the employer who wanted to secure a colored stenographer might secure a white one instead, and vice versa.

I have in mind the experience of a friend of mine who has charge of an office in this city which is under the civil service. Some time ago he was authorized to employ a badly needed stenographer in his own office. He sent for an eligible list, which was delivered to him by the Civil Service Commission. All three eligibles on this list were Negro girls.

There may be other objections to this report. But certainly amendment No. 7 makes this report, to my mind, untenable. I think that most, if not all, of us are sincerely in favor of a merit system, but when I observe some of the things that are being done under the guise of merit and when I read this report I am inclined to exclaim: "O merit, merit, what crimes are committed in thy name." [Applause.]

Mr. RAMSPECK. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. MOSER].

Mr. NICHOLS. Mr. Speaker, will the gentleman yield to me for a unanimous-consent request?

Mr. MOSER. I yield.

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, and to include a report from the Civil Service Commission of September 30, 1940, to show the quota of States as now outlined.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. MOSER. Mr. Speaker, I regret the necessity of my opposition to the conference report, because it restricts the House in its effort to instruct the conferees to return and insist upon the House amendment.

My opposition to this bill goes back to the days when I first qualified for a civil-service job. I was a pretty young country school teacher, only 18 years of age, but I sent in a picture to the Civil Service Commission to let them know what I looked like, and according to all precedents ever since then, so far as I know, people have been submitting their photographs, and I can find no reason why we should feel that there was any discrimination ever made of any appointive officer or

civil-service executive because the person was required to submit his photograph.

I am opposed to this philosophy because I am a firm believer and advocate of the principle of merit in determining efficiency in taking an examination or qualifying for a position within the classified civil service. We are all good Americans here and we have taken an oath to support the Constitution of the United States, and even when I was in the classified civil service, time after time, in addition to that oath, I was obliged to take oath that I would also abstain from anything prohibited by its laws and prevent its being done by another. I still cling to that type of oath under the Constitution, but over on the cornice of the Supreme Court Building we have a motto which is something for us to look upon: "Equal Justice Under Law." We have a law that governs the civil service that has been in operation since 1883. It is the same law under which I qualified to enter the civil service 36 years ago, and the same law that has not been changed since that time. However, for the determination of merit in the application of the law, I want to point out to the membership of the House that we have in the Civil Service Commission certain administrative officials who have been in it a long time, and some of them I knew in the days of my experience in the classified service. They tell us that a part of this law that applies to the apportionment to the different States cannot be operated or administered, and yet at the same time these officials of the Civil Service Commission who confess their inability to administer a law that is charged to them as a responsibility, have conveniently added to this bill since it passed the House, by amendment in another body, a salary raiser whereby we are to reward them for their own admitted incompetence to administer the law as it is to be applied.

Take the executive director of the Civil Service Commission, a perfectly affable and likeable fellow, who tells you they cannot administer and enforce the apportionment law but wants you to promote him; and the chief examiner of the Civil Service Commission, one of the most likeable and sociable fellows I ever knew, tells us we cannot go out and conduct examinations like they had when you and I took them because young people are no longer trained in the schools the way they were in the past and, therefore, could not pass the examinations and we must lower the standards of merit. I do not believe this is the time to reward men with salary raises, but you will find that in the bill.

I would also like briefly to address myself to that amendment striking out three little words from this bill, "or connected with" Work Projects Administration. Having served on the Committee on Civil Service of the House for sometime, I was very much in favor of H. R. 2700 because it provided for open, competitive examinations, but I was opposed to H. R. 960 because it provided for noncompetitive examinations. We had that bill tied up in the committee pretty tight, and our distinguished chairman and all the members of the Civil Service Committee know that an agreement was entered into whereby the Work Projects Administration was excluded from the provisions of the bill.

Having thus been excluded from the bill, the bill was reported out. Now, people who are on the rolls who were originally placed on pay rolls as a consequence of appropriations, through the W. P. A., are in those administrative agencies of government who came before committees of the House and Senate for years seeking increased appropriations. To get them they went on relief for large amounts, and there they are; and, by the enactment of this bill, will be classified non-competitively and remain, however prejudicially selected, to the exclusion of our constituencies qualifying competitively. [Applause.]

[Here the gavel fell.]

Mr. RAMSPECK. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. HARTER].

Mr. HARTER of New York. Mr. Speaker, I know this has been pretty well presented to you up to this time, but I do want to drive home to the Members who may not have been on the floor of the House when the debate started that here you are bringing into the merit system, by blanketing in with

noncompetitive examinations, somewhere between 200,000 and 250,000. Whereas we used to add a few at a time under the civil-service law, now we are asked to "freeze in" 200,000 or 250,000 at one fell swoop. Frankly, such a method is going to be the uprooting of the merit system rather than building it up.

Mr. VORYS of Ohio. Will the gentleman yield?

Mr. HARTER of New York. I yield.

Mr. VORYS of Ohio. As I understand it, the reason we are urged to blanket these in is that they are indispensable to the national defense at this time. How many indispensable men are there in Washington at this time?

Mr. HARTER of New York. Frankly, when this was before the committee, there was no discussion about indispensability. This came up, as I understand it, in 1938. Then the committee would not have anything to do with it. In 1939 and now again in 1940 the leadership has decided that we should blanket in all these employees, most of whom received their appointments through political influence.

Mr. REES of Kansas. Will the gentleman yield?

Mr. HARTER of New York. I yield.

Mr. REES of Kansas. In 1938 this committee did have a bill.

Mr. HARTER of New York. Yes.

Mr. REES of Kansas. It was H. R. 2700. The committee held hearings on it and after holding hearings on it for a while there came along a document known as the President's reorganization measure. Under the recommendations of that reorganization bill, this H. R. 2700 was ditched. We quit right there. We did not even vote on it in the committee. I think probably the gentleman was not a member of the committee at that time, but I thought he should be advised of that situation. So that the committee did not have a chance to vote on H. R. 2700, which provided for a competitive civil-service examination.

Mr. HARTER of New York. That is my understanding.

Mr. REES of Kansas. By the way, you know there is a committee that was called the Reed committee which was supposed to report on the whole problem and bring its report back to the House. That committee has not yet reported.

Mr. HARTER of New York. Mr. Speaker, improvement of the merit system cannot be accomplished by passing over thousands on the civil-service list—there through the hard way, by open, competitive examinations. If this bill becomes a law as it now is drawn, those now holding the jobs will receive only a qualifying examination when actually they should be called upon to qualify by open competitive examinations, with some possible credit allowed for their service as experience. I say to the Members of this House that this "freezing in" of 200,000 persons, appointed largely through influence with the powers that be in Washington, will do much toward breaking down the merit system, which I am sure most of us want to make stronger.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. RAMSPECK. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. SMITH].

Mr. SMITH of Illinois. Mr. Speaker, in spite of personal grievances of some, party prejudices of others, and racial prejudices galore, we are now about to commit ourselves upon one of the most important bills that has come before the Congress this session. We are, I hope, about to extend, as all civilized countries have extended, and in the only way in which it can be done either by Republicans or Democrats, the merit principle to Federal employment throughout. Disingenuous indeed are those who praise the end and dispraise the means. The way we propose to do it was the only way we could do it under Harding, under Hoover, or under Coolidge; and it is the only way we can do it now. Truth to tell, this administration has made some advance; for heretofore the "blanketing in," to which some profess to object, was done without examinations at all, whereas we do propose noncompetitive examinations.

If we want to do it without prejudice and in the full spirit of justice we shall have to do it by fingerprinting as identifica-

tion rather than by photographing. Let me draw for you the moral of Carl Sandburg's stagecoach driver. Seeing his coach stalled, this driver put his head through the window and shouted: "First-class passengers, keep your seats; second-class passengers, get out and walk; third-class passengers, get out and shove." [Laughter.]

Is this a nation of first-class, second-class, and third-class passengers? If it is, keep the photograph in to discriminate against women, to discriminate against Jews, to discriminate against Negroes, and to discriminate against anybody else whose physiognomy you do not like. But I am under the impression that this is a nation in which we are all first-class citizens. I do not like the imputation of second- and third-class citizens in a nation sworn to equal justice under law. If all are first-class citizens, then we shall vote this change to fingerprinting for the sake of plain, simple justice—justice in which Democrats and Republicans alike are interested.

If we do not do ourselves the elemental justice of removing the initial opportunity for prejudice to do its dirty work, we can hardly wonder at some national disunity as the result of our provocation. It was a Negro poet, Paul Lawrence Dunbar, who put so neatly the way one should feel toward a neighbor who is nice in words and nasty in discrimination:

I know there is a heaven, for day by day the upward yearning of my soul doth tell me so.

I know, too, there is a hell, for if there were not, pray, where would my neighbors go?

It is the good fortune of America and the glory of the Negro race that as yet Negroes reply to overt and obvious discrimination with good humor, even if wryly. They deserve for all their long suffering and the forms of fairness until they can appreciate the very fact of fairness. This provision in our conference report would initiate a policy of at least fairness in form. Some of you will not let us do more than this. Many of us, under heaven, cannot do less than this and keep our own self-respect. [Applause.]

[Here the gavel fell.]

The SPEAKER. The gentleman from Georgia has 3 minutes remaining.

Mr. RAMSPECK. Mr. Speaker, there is some sincere opposition to this conference report. That opposition, however, is largely on the Republican side, due to the fact that this is a Democratic administration. I welcome the votes of my friends on the Republican side who support this bill in their vote and compliment them upon rising above party prejudices.

The Republican Party has not used even the competitive examination to extend the civil service except on one occasion.

The opposition of my friend, the gentleman from Oklahoma, is not for the contents of the conference report because he voted against the bill with his own amendment in it. He is against it because he is against civil service. He is against the Civil Service Commission, although they have given his State almost four times as many positions as the State had before this Commission came into power.

We have here today the opportunity for the first time in the History of America to make the Government service almost 100-percent merit. Are we going to turn it down because of a little prejudice toward the Negroes? Are we going to turn it down because of misinformation about the quota system? Or are we going to rise above those things and give the President of the United States the authority to extend the civil service which he has asked for time and time again and which many of us on both sides of the Capitol voted for in the reorganization bill last year? That is the question at issue here today. It is a question of whether or not you want to make the Federal service one of merit. We give you the opportunity to place these 200,000 people under the merit system. If the averages carry out this time as they have under the previous noncompetitive examinations given by this Commission, about 40,000 of these positions will be vacated through failure of the present holders to pass the examination or the physical test, and those positions will go to the States that are under quota. I call your attention to the fact that the only chance you have, even under quota

States, to get a single one of these positions is to vote for this conference report, because if you vote it down the positions will continue to be occupied by the present incumbents and will not come under the quota system.

Mr. Speaker, I move the previous question on the adoption of the conference report.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. The time of the gentleman from Georgia has expired.

The gentleman from Georgia moves the previous question on the conference report.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 132, nays 181, not voting 116, as follows:

[Roll No. 225]

YEAS—132

Alexander	Duncan	Larrabee	Powers
Andersen, H. Carl	Dunn	Leavy	Ramspeck
Angell	Durham	Lewis, Colo.	Randolph
Barnes	Edelstein	Ludlow	Robertson
Barry	Evans	Lynch	Rogers, Okla.
Beam	Fay	McAndrews	Routzohn
Bland	Ferguson	McCormack	Ryan
Bloom	Flaherty	McGranery	Sabath
Boykin	Flannagan	McKeough	Sacks
Bradley, Pa.	Gavagan	McLaughlin	Sasser
Brown, Ga.	Gehrmann	McMillan, John L.	Satterfield
Bryson	Geyer, Calif.	Maas	Schuetz
Buckler, Minn.	Gregory	Maciejewski	Schulte
Burdick	Hart	Maloney	Schwert
Burgin	Harter, Ohio	Martin, Ill.	Secrest
Byrne, N. Y.	Hartley	Mason	Shannon
Camp	Hill	Merritt	Smith, Conn.
Chapman	Hobbs	Miller	Smith, Ill.
Church	Hunter	Mitchell	Smith, Maine
Clason	Johnson, Lyndon	Monroney	Smith, Va.
Claypool	Johnson, Okla.	Murdock, Utah	Smith, W. Va.
Cochran	Johnson, W. Va.	Myers	Spence
Coffee, Wash.	Kean	Norton	Taylor
Cole, Md.	Kee	O'Connor	Thomas, Tex.
Connery	Keller	O'Leary	Thomason
Costello	Kelly	Oliver	Vinson, Ga.
Crosser	Kennedy, Martin	O'Neal	Voorhis, Calif.
D'Alesandro	Kennedy, Md.	O'Toole	Walter
Delaney	Kennedy, Michael	Patrick	Ward
Dempsey	Keogh	Pfeifer	Welch
Dickstein	Kerr	Pierce	White, Idaho
Dingell	Kilday	Pittenger	Woodrum, Va.
Drewry	Kramer	Polk	Youngdahl

NAYS—181

Allen, La.	Disney	Hennings	Mansfield
Andresen, A. H.	Ditter	Hess	Marshall
Andrews	Dondero	Hinsaw	Martin, Iowa
Arends	Doxey	Hoffman	Martin, Mass.
Austin	Eaton	Holmes	Massingale
Ball	Eberharter	Hope	Michener
Beckworth	Edmiston	Horton	Mills, Ark.
Bender	Elston	Hull	Monkiewicz
Blackney	Engel	Jarman	Moser
Boehne	Englebright	Jarrett	Mouton
Bolles	Fenton	Jeffries	Mundt
Bolton	Ford, Miss.	Jenkins, Ohio	Murray
Bradley, Mich.	Fulmer	Jensen	Nichols
Brown, Ohio	Gamble	Johns	Norrell
Buck	Garrett	Johnson, Ill.	O'Brien
Bulwinkle	Gartner	Johnson, Ind.	Pace
Byrns, Tenn.	Gathings	Johnson, Luther A.	Pearson
Carlson	Gearhart	Jones, Ohio	Peterson, Fla.
Carter	Gerlach	Jonkman	Plumley
Case, S. Dak.	Gillie	Keefe	Poage
Chipherfield	Goodwin	Kefauver	Rabaut
Clark	Gore	Kinzer	Rankin
Clevenger	Gossett	Kitchens	Reed, Ill.
Coffee, Nebr.	Graham	Lambertson	Reed, N. Y.
Cole, N. Y.	Grant, Ala.	Landis	Rees, Kans.
Colmer	Grant, Ind.	Lanham	Rich
Cooley	Griffith	Lea	Risk
Cooper	Gross	LeCompte	Rodgers, Pa.
Corbett	Guyer, Kans.	Lesinski	Rogers, Mass.
Courtney	Gwynne	Lewis, Ohio	Rutherford
Cox	Hall, Leonard W.	Luce	Sandager
Cravens	Halleck	McArdie	Schafer, Wis.
Crawford	Hancock	McDowell	Schiffner
Crowe	Hare	McGehee	Seecombe
Crowther	Harness	McGregor	Shaffer, Mich.
Culkin	Harter, N. Y.	McLean	Simpson
Curtis	Hawks	McMillan, Clara	Smith, Ohio
Davis	Hendricks	Mahon	South

Sparkman	Taber	Vincent, Ky.	Williams, Del.
Springer	Tarver	Vorys, Ohio	Wolcott
Stearns, N. H.	Tenerowicz	Vreeland	Wolverton, N. J.
Stefan	Terry	West	Woodruff, Mich.
Summer, Ill.	Tibbott	Wheat	Zimmerman
Summers, Tex.	Tinkham	Whelchel	
Sutphin	Treadway	Whittington	
Sweet	Van Zandt	Wigglesworth	

## NOT VOTING—116

Allen, Ill.	Darrow	Jacobsen	Rockefeller
Allen, Pa.	DeRouen	Jenks, N. H.	Romjue
Anderson, Calif.	Dies	Jennings	Schaefer, Ill.
Anderson, Mo.	Dirksen	Jones, Tex.	Scrugham
Arnold	Doughton	Kilburn	Shanley
Barden, N. C.	Douglas	Kirwan	Sheppard
Barton, N. Y.	Dworshak	Kleberg	Sheridan
Bates, Ky.	Elliott	Knutson	Short
Bates, Mass.	Ellis	Kocalkowski	Smith, Wash.
Bell	Faddis	Kunkel	Snyder
Boland	Fernandez	Lemke	Somers, N. Y.
Boren	Fish	McLeod	Starnes, Ala.
Brewster	Fitzpatrick	Magnuson	Steagall
Brooks	Flannery	Marcantonio	Sullivan
Buckley, N. Y.	Folger	May	Sweeney
Burch	Ford, Leland M.	Mills, La.	Talle
Byron	Ford, Thomas F.	Mott	Thill
Caldwell	Fries	Murdock, Ariz.	Thomas, N. J.
Cannon, Fla.	Gibbs	Nelson	Thorkelson
Cannon, Mo.	Gifford	O'Day	Tolan
Cartwright	Gilchrist	Osmer	Wadsworth
Casey, Mass.	Green	Parsons	Wallgren
Celler	Hall, Edwin A.	Patman	Warren
Cluett	Harrington	Patton	Weaver
Collins	Havenner	Peterson, Ga.	White, Ohio
Creal	Healey	Reece, Tenn.	Williams, Mo.
Cullen	Hook	Richards	Winter
Cummings	Houston	Robinson, Utah	Wolfenden, Pa.
Darden, Va.	Izac	Robison, Ky.	Wood

So the conference report was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Byron (for) with Mr. Short (against).  
 Mr. Harrington (for) with Mr. Wolfenden of Pennsylvania (against).  
 Mr. Boland (for) with Mr. Wadsworth (against).  
 Mr. Shanley (for) with Mr. Thill (against).  
 Mr. Kocalkowski (for) with Mr. Robison of Kentucky (against).  
 Mrs. O'Day (for) with Mr. Kilburn (against).  
 Mr. Cullen (for) with Mr. Jennings (against).  
 Mr. Kunkel (for) with Mr. Edwin A. Hall (against).  
 Mr. Sullivan (for) with Mr. Reece of Tennessee (against).  
 Mr. Havenner (for) with Mr. Osmer (against).  
 Mr. Knutson (for) with Mr. Gifford (against).  
 Mr. Weaver (for) with Mr. Douglas (against).  
 Mr. Burch (for) with Mr. Allen of Illinois (against).  
 Mr. Fitzpatrick (for) with Mr. Dworshak (against).  
 Mr. Cartwright (for) with Mr. Gilchrist (against).  
 Mr. Buckley of New York (for) with Mr. Rockefeller (against).  
 Mr. Lemke (for) with Mr. Jenks of New Hampshire (against).  
 Mr. Somers of New York (for) with Mr. Talle (against).  
 Mr. Darden of Virginia (for) with Mr. Thomas of New Jersey (against).  
 Mr. Celler (for) with Mr. Mott (against).  
 Mr. Allen of Pennsylvania (for) with Mr. McLeod (against).

Until further notice:

Until further notice:

Mr. Warren with Mr. Dirksen.  
 Mr. Creal with Mr. Winter.  
 Mr. May with Mr. Anderson of California.  
 Mr. Patton with Mr. Cluett.  
 Mr. Kleberg with Mr. Barton of New York.  
 Mr. Steagall with Mr. White of Ohio.  
 Mr. Richards with Mr. Thorkelson.  
 Mr. Patman with Mr. Brewster.  
 Mr. Starnes of Alabama with Mr. Fish.  
 Mr. Barden of North Carolina with Mr. Darrow.  
 Mr. Cannon of Florida with Mr. Leland M. Ford.  
 Mr. Doughton with Mr. Bates of Massachusetts.  
 Mr. Ellis with Mr. Marcantonio.  
 Mr. Folger with Mr. Smith of Washington.  
 Mr. Magnuson with Mr. Anderson of Missouri.  
 Mr. Parsons with Mr. Casey of Massachusetts.  
 Mr. Murdock of Arizona with Mr. Faddis.  
 Mr. Romjue with Mr. Cannon of Missouri.  
 Mr. Mills of Louisiana with Mr. Bates of Kentucky.  
 Mr. Nelson with Mr. Elliott.  
 Mr. Fries with Mr. Jacobsen.  
 Mr. Wood with Mr. Fernandez.  
 Mr. Robinson of Utah with Mr. Brooks.  
 Mr. Peterson of Georgia with Mr. Dies.  
 Mr. Flannery with Mr. Wallgren.  
 Mr. Hook with Mr. Kirwan.  
 Mr. Green with Mr. Houston.  
 Mr. Gibbs with Mr. Bell.  
 Mr. Arnold with Mr. Schaefer of Illinois.  
 Mr. Tolan with Mr. Sheridan.  
 Mr. Sheppard with Mr. Healey.  
 Mr. Scrugham with Mr. Boren.  
 Mr. Cummings with Mr. Izac.  
 Mr. Jones of Texas with Mr. Caldwell.

Mr. Snyder with Mr. Sweeney.  
 Mr. Williams of Missouri with Mr. DeRouen.

The result of the vote was announced as above recorded.  
 Mr. RAMSPECK and Mrs. ROGERS of Massachusetts rose.  
 The SPEAKER. The Chair recognizes the gentleman from Georgia.

Mr. RAMSPECK. Mr. Speaker, I move that the House further insist upon its disagreement to the amendments of the Senate to the bill (H. R. 960) extending the classified civil service of the United States and appoint conferees.

Mr. MICHENER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MICHENER. If the motion made by the gentleman from Georgia prevails, then the bill will be back in the same position it was before this procedure. Is this correct?

The SPEAKER. If the motion prevails, the bill goes back to conference.

Mr. MICHENER. And if the motion does not prevail, the bill will not be in conference and very likely will not be disposed of this session.

The SPEAKER. It will be on the Speaker's table.

Mr. NICHOLS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. NICHOLS. If the motion made by the gentleman from Georgia is agreed to, will it then be in order to move to instruct the conferees?

The SPEAKER. The gentleman is correct. One motion to instruct conferees will be in order.

The question is on the motion of the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. RAMSPECK) there were—ayes 123, noes 110.

So the motion was agreed to.

Mr. NICHOLS. Mr. Speaker, I offer a motion, which I send to the Clerk's desk.

The Clerk read as follows:

Mr. NICHOLS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H. R. 960 be instructed not to agree to Senate amendment No. 9.

Mr. NICHOLS. Mr. Speaker, I do not intend to use anywhere near the amount of time that I would be entitled to under this motion. My distinguished friend, the chairman of the Civil Service Committee, made certain observations a minute ago that I think I should be entitled to answer, or some Member of the House should answer. For instance, the gentleman from Georgia pointed out that Oklahoma had made certain gains since 1933 in the number of people employed by the civil service. Of course, they have, and so, also, I hope has every State in the Union, because since 1933 the civil-service employees of this Government have doubled and, of course, every State, no doubt, has increased in number over what they had in 1933. But that does not mean the quota system is going to prevail and is going to be put into operation by the Civil Service Commission.

Mr. Speaker, the gentleman from Georgia [Mr. RAMSPECK] pointed out that the only way that we could hope to get the quota system to work is to agree to this conference report. That was a startling statement to make. Why, the terms of this amendment would give positive orders to the Civil Service Commission as to what it could and could not do. The gentleman from Georgia [Mr. RAMSPECK] certainly does not mean to flout in the face of the Members of the House of Representatives the fact that the Civil Service Commission is not going to comply with the law. It has not complied with it under the quota system in the past. But this is positive and certain in its demands. Certainly the gentleman from Georgia [Mr. RAMSPECK] does not mean to say that we who have the intestinal fortitude to oppose the powerful Civil Service Commission are going to be punished by the Civil Service Commission. I am not afraid of that. I do not think the gentleman from Georgia [Mr. RAMSPECK] meant exactly what he said.

I say there is no chance of getting the quota system observed unless this amendment is agreed to, which is just

exactly opposite to the statement made by my friend from Georgia. There is no use in debating this any further. I think everyone has his mind made up. I simply want you to know that there are 32 States in the United States that are below their quotas, and I have read the list heretofore. If you are interested in your State getting what the law now says it is entitled to, you will support the motion now pending on the Speaker's desk to instruct the conferees to not agree with the Senate amendment which took out of the bill the Keller-Nichols amendment.

Mr. Speaker, I move the previous question on the motion. The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Oklahoma [Mr. NICHOLS].

The question was taken; and on a division (demanded by Mr. COLE of Maryland), there were—ayes 164, noes 42.

Mr. MARTIN J. KENNEDY. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were refused.

So the motion was agreed to, and the Chair appointed the following conferees on the part of the House: Mr. RAMSPECK, Mr. RANDOLPH, Mr. FRIES, Mrs. ROGERS of Massachusetts, and Mr. REES of Kansas.

Mr. RAMSPECK. Mr. Speaker, I ask unanimous consent that when the report is filed on this bill, it may be taken up notwithstanding the rules of the House.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. RAMSPECK]?

There was no objection.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the House of the following titles:

H. R. 4561. An act for the relief of Mrs. George C. Hamilton and Nanette Anderson; and

H. R. 9972. An act authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes.

The message also announced that the Senate had ordered that Mr. GREEN be appointed as conferee vice Mr. TRUMAN on the part of the Senate to the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10412) entitled "An act to expedite the provision of housing in connection with national defense, and for other purposes."

#### IMPROVEMENT OF CERTAIN RIVERS AND HARBORS IN THE INTEREST OF NATIONAL DEFENSE

Mr. MANSFIELD submitted the following conference report on the bill (H. R. 9972), authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes.

Mr. Speaker, I call up the conference report on the bill H. R. 9972, authorizing the improvement of certain rivers and harbors in the interest of national defense, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Texas [Mr. MANSFIELD]?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9972) authorizing the improvement of certain rivers and harbors in the interest of the national defense, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2 and 7. That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 5 and 6, and agree to the same.

J. J. MANSFIELD,  
CLAUDE V. PARSONS,  
ALBERT E. CARTER,  
GEO. A. DONDERO,

*Managers on the part of the House.*

JOSIAH W. BAILEY,  
MORRIS SHEPPARD,

*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 9972) authorizing the improvement of certain rivers and harbors in the interest of national defense, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Amendment No. 1: This amendment strikes out the House authorization for improvement of Thames River, Conn., at an estimated cost of \$120,000. Since the passage of the bill by the House this project has, on account of its urgency, been undertaken by the Navy Department.

House conferees recede.

Amendment No. 2: This amendment modifies the project for the construction of local works for the protection of East Hartford, Conn., authorized in the Flood Control Act approved June 28, 1938, so as to provide for protecting a larger area than was originally contemplated. This change in the plans increases the cost of the work to the United States \$1,640,000. As far as your conferees are advised no communications from any of the Executive Departments, recommending this project as being in the interest of national defense, have been submitted to the Congress.

Senate recedes.

Amendment No. 3: This amendment adopts a project, recommended by the Chief of Engineers in House Document 683, 76th Congress, for enlarging the anchorage areas in Norfolk Harbor, Va., at a cost of \$182,000. This improvement is also recommended by the Chief of the Bureau of Yards and Docks, Navy Department, as will appear from a letter printed in the CONGRESSIONAL RECORD of Oct. 4, 1940, page 19879.

House conferees recede.

Amendment No. 4: This amendment authorizes a modification of the existing project for the Sabine and Neches Waterway, Texas. The proposed improvement is described and recommended in the following letter from Maj. Gen. J. L. Schley, Chief of Engineers, to Hon. JOSIAH W. BAILEY, Chairman of the Senate Committee on Commerce:

WAR DEPARTMENT,  
OFFICE OF THE CHIEF OF ENGINEERS,  
WASHINGTON, September 23, 1940.

Honorable JOSIAH W. BAILEY,  
Chairman, Committee on Commerce, United States Senate,  
Washington, D. C.

MY DEAR SENATOR BAILEY: I have received your letter dated September 21 in reference to an amendment to H. R. 7972, intended to be proposed by Senator SHEPPARD, relative to the improvement of the Sabine-Neches Waterway at Orange, Texas.

The proposed improvement is described in a review report forwarded to this office by the Division Engineer, Gulf of Mexico Division, on August 28, 1940, pursuant to a resolution adopted February 14, 1940, by the Committee on Commerce of the United States Senate. This report, which is now pending before the Board of Engineers for Rivers and Harbors, recommends "that the existing project for the Sabine-Neches Waterway, Texas, be modified to provide for

a. Abandonment of the Orange turning basin.

b. Dredging a channel 25 feet deep and 150 feet wide, suitably widened on bends, through the turning basin area and continuing upstream to the highway bridge, a distance of about 8,230 feet above the upper limit of the present project.

c. Dredging a cut-off channel 25 feet deep, 200 feet wide, and approximately 2,400 feet long, all as shown on plate 2 accompanying the basic report, at an estimated cost of \$137,000 for initial dredging with no increase in the annual cost of maintenance, provided:

(1) That no dredging shall be done by the United States within 50 feet of existing pierheads or established pierhead lines.

(2) That local interests shall furnish, free of cost to the United States, all necessary rights-of-way and suitable areas for the disposal of material excavated in the modification of the project and in its future maintenance, as and when required.

(3) That local interests shall hold and save the United States free from any damages that may result from the construction and maintenance of the modified project.

(4) That before any work shall be undertaken by the United States toward modification of the project the local interests shall give assurances satisfactory to the Secretary of War that they have secured contracts for the construction of Government ships required by the defense program and that they are ready to proceed with the construction of the necessary shipyards and ship ways.

With reference to provision (4) above, the Navy Department, on September 20, 1940, informed me that a contract has been awarded the Consolidated Steel Corporation for the construction of twelve (12) 2100-ton destroyers at their Orange plant, and that a channel 25 feet deep from just above this plant to the present ship channel is essential.

A copy of the letter from the Navy Department is enclosed.

Sincerely yours,

J. L. SCHLEY,

Major General, Chief of Engineers.

One enclosure: Copy of letter from Navy Dept., Sept. 20, 1940.

NAVY DEPARTMENT,

BUREAU OF SHIPS,

Washington, D. C., September 20, 1940.

Maj. Gen. JULIAN L. SCHLEY, U. S. A.,

Chief of Engineers,

War Department, Washington, D. C.

Sir: The Navy Department has awarded a contract to the Consolidated Steel Corporation for the construction of twelve (12) 2100-ton Destroyers at their plant at Orange, Texas. A channel from just above this plant to the present ship channel, of approximately twenty-five feet (25') in depth, is essential to this National Defense project.

Respectfully,

S. M. ROBINSON,

Rear Admiral, U. S. Navy, Chief, Bureau of Ships.

The House conferees recede.

Amendment No. 5: This amendment makes verbal change perfecting the language in the House provision.

House conferees recede.

Amendment No. 6: This amendment makes verbal change perfecting the language in the House provision for Los Angeles and Long Beach Harbors, Calif. It also provides for the extension of the breakwater at Long Beach from 7,920 feet, as authorized in the House provision, to 21,000 feet. This extension will provide the secure anchorage desired for the increased fleet; also, the Department has secured funds and is about to undertake the construction of fleet facilities on Terminal Island for the supply and docking of ships, antisubmarine net storage, and other fleet facilities. Letters from the War and Navy Departments, recommending this modification, are printed in Senate Report 2072, of this session, pages 2 and 3. House conferees recede.

Amendment No. 7: This amendment authorizes appropriations for the Missouri River Basin flood control project of such sums as may be necessary to prosecute the construction of a dam and reservoir on the Republican River at the Harlan County site, instead of at the Milford site, as provided for in the Flood Control Act of June 28, 1938. The estimated cost of nine reservoirs included in this project for the Missouri River Basin is over \$145,000,000, but only \$9,000,000 was authorized to be appropriated in the 1938 Flood Control Act to initiate this work. This sum of \$9,000,000 is to be expended in prosecuting the construction of the Kanopolis Reservoir on Smoky Hill River, Kans. The estimated cost of constructing the reservoir on the Harlan County site is \$20,078,098. As far as your conferees are advised no communications from any of the Executive Departments recommending this project as being in the interest of national defense have been submitted to the Congress.

Senate recedes.

J. J. MANSFIELD,  
CLAUDE V. PARSONS,  
ALBERT E. CARTER,  
GEO. A. DONDERO,

Managers on the part of the House.

Mr. MANSFIELD. Mr. Speaker, the bill before us is one that was instituted last spring in the interest of national defense. If you will recall, a general river and harbor bill was passed during the present year and vetoed by the President upon the ground principally that the money to be expended would be more needed for purposes of national defense than for internal improvement. The President stated in his message, however, that there were many projects in the bill which he would be glad to approve if a separate bill could be brought in embracing them.

Following this message, the Committee on Rivers and Harbors passed a resolution calling upon the engineers of the War Department to submit a list of projects that would come within the scope of the President's message. They did so, and I immediately introduced a bill just as it was offered by the Chief of Engineers. I was not present at the hearings upon the bill, because I was taken to the hospital and remained there many weeks. In the hearings which followed, a new bill was introduced simply for the purpose of including one or two amendments which were considered advisable.

The bill as it passed the House carried a total authorization of \$24,823,000. As amended by the Senate and as agreed upon by the conferees, it carries \$35,622,000. The conferees on the part of the House rejected two rather large amendments put

into the bill by the Senate. One was a flood-control project on the Republican River in the States of Nebraska and Kansas, amounting to \$20,078,098.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from Nebraska.

Mr. CURTIS. The gentleman is referring now to the amendment offered by Senator NORRIS of Nebraska?

Mr. MANSFIELD. Correct.

Mr. CURTIS. That is a very meritorious item for which I have worked for 2 years and it is a needed project. I wonder if the gentleman will state just what was in the minds of the conferees that it was rejected. It is a project that has been approved by the district and division engineers and the Chief of Engineers of the Army.

Mr. MANSFIELD. I may state to the gentleman from Nebraska that as far as engineering reports are concerned, as far as I am advised, the project is very meritorious as a flood-control project for peacetime consideration. The House conferees decided against it on two grounds. One was that we did not want a flood-control project in this river and harbor bill, which is introduced exclusively for the purpose of national defense. The other was that we thought that when we have hundreds of flood-control projects one is no more entitled to consideration in a river and harbor bill than the others.

Mr. CURTIS. Do I correctly understand that everything the conferees agreed upon are projects which have been certified as essential to national defense?

Mr. MANSFIELD. As far as I know.

Mr. CURTIS. That was the object of it?

Mr. MANSFIELD. That was the primary object; yes.

Mr. McLAUGHLIN. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from Nebraska.

Mr. McLAUGHLIN. I take it that the action the gentleman has described in taking this particular project out of the bill does not mean that this project will not be regarded favorably and that it may not later be acted upon favorably? Is that a correct statement?

Mr. MANSFIELD. I may say to the gentleman that I see no reason in the world why it should not be favorably considered in the first flood-control bill to come before the House.

Mr. McLAUGHLIN. I thank the gentleman for that assurance.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. For the information of the gentleman from Nebraska [Mr. McLAUGHLIN], and as is well known by the gentleman from Nebraska [Mr. CURTIS], a member of the Committee on Flood Control, there is pending now and has been pending in the House since the 7th of May 1940 a flood-control bill which includes the project referred to and makes an authorization of \$5,000,000 for the initiation of the project. As I understand, this flood-control project was objected to by the conferees on the part of the House and it has been stricken from the conference report.

Mr. MANSFIELD. It has, and the Senate has approved the conference report today.

Mr. McKEOUGH. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from Illinois.

Mr. McKEOUGH. As I understand, the War Department Corps of Engineers failed to recommend the development at this time for defense purposes of the Calumet River-Great-Lakes-to-the-Gulf waterway development.

Mr. MANSFIELD. They have made no such recommendation for that and many other waterways where a contention has been made that the projects possess elements of national defense.

Mr. McKEOUGH. In view of the fact that this development will connect the Great Lakes with the Gulf, is it the judgment of the chairman of the committee, who has had wide experience in these matters that the War Department might have, with propriety, recommended this as a war-defense project, since the Mississippi Valley has been selected for the purpose of locating munitions plants and other de-

fense activities between the Allegheny and the Rocky Mountains, from a standpoint of protection?

Mr. MANSFIELD. I may say to the gentleman from Illinois that, in my judgment, almost every river and harbor project, and almost every flood-control project, embraces features of national defense to a certain degree but, in the opinion of the Engineers of the War Department, this project of which the gentleman speaks, together with a hundred others that might be considered, was not recommended as of urgent importance, just at this time, for that purpose.

Mr. McKEOUGH. Will the gentleman add that in connection with the new river and harbor bill he will extend the same favorable consideration to that bill as the chairman of that committee?

Mr. MANSFIELD. I may state to the gentleman that I favored that measure before he was born politically.

Mr. CURTIS. Mr. Speaker, will the gentleman yield further?

Mr. MANSFIELD. I yield to the gentleman from Nebraska.

Mr. CURTIS. Does the gentleman know whether or not this conference report has been acted upon by the Senate?

Mr. MANSFIELD. It has been acted upon and approved in the Senate, and the message was read here a while ago.

Mr. CURTIS. What was done in reference to the Norris amendment?

Mr. MANSFIELD. They approved its elimination from the bill.

Mr. CURTIS. Was it withdrawn or was a vote taken, does the gentleman know?

Mr. MANSFIELD. I was not present on the floor of the Senate but I have been advised that those who had it placed in the bill agreed to its elimination at the present time.

Mr. JENKINS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. I have not been able to find a printed list of what the gentleman says has been approved. Does the gentleman have such a list or is he going to read us a list of what is included?

Mr. MANSFIELD. It is in the conference report, which is at the Clerk's desk. I do not have it before me now. However, I may say that only three amendments that were not in the bill as it passed the House unanimously last spring were agreed upon. The major item was the increase in the length of the breakwater at Los Angeles and Long Beach, Calif. That was put in by the Senate at the urgent request of the Navy Department. They say it is absolutely necessary for the great shipbuilding operations that are being carried on there and for the ships that will be used on the Pacific Ocean.

Mr. JENKINS of Ohio. Are we to understand that you took out a good many items that were passed on by the House, but put in only three items that were not included?

Mr. MANSFIELD. We did not take out any items, except one, a very small item for the Thames River, up in Massachusetts, amounting to \$182,000, which was taken out because the Navy Department has already done the work.

Mr. GEYER of California. Mr. Speaker, will the gentleman yield?

Mr. MANSFIELD. I yield to the gentleman from California.

Mr. GEYER of California. What was the amount for the breakwater at Los Angeles Harbor?

Mr. MANSFIELD. The amount as approved by the House for the breakwater was \$7,074,000. The Senate increased it to \$17,674,000, an increase of \$10,600,000.

Then there is a project on the border of Louisiana and Texas where 21 ships are now being built for the Navy Department. That cost is only \$137,000.

Then at the Norfolk Harbor in Virginia, at the request of the Navy Department, there was secured in the Senate an amendment for dredging additional anchorage there to cost \$182,000.

These are the only additions to the bill that the conferees agreed to. I do not know of anything further I may say

and I now yield to the gentleman from California [Mr. CARTER].

Mr. CARTER. Mr. Speaker, this is a unanimous report of the conferees and, as has been stated by the gentleman from Texas [Mr. MANSFIELD], this is substantially the bill that passed the House here some months ago by a unanimous vote, with the addition of two or three items put in by the Senate.

The river and harbor projects in this bill have been approved as tending to aid national defense, and we believe that the conference report should be adopted at this time.

Mr. PITTINGER. Mr. Speaker, will the gentleman yield?

Mr. CARTER. I yield.

Mr. PITTINGER. As a matter of fact, the War Department has asked for all of these amendments.

Mr. CARTER. The War Department or the Navy Department has asked for these river and harbor developments and improvements.

Mr. PITTINGER. And this is a part of the national defense program?

Mr. CARTER. As a part of the national-defense program, yes.

Mr. Speaker, I yield to the gentleman from Michigan [Mr. DONDERO].

Mr. DONDERO. Mr. Speaker, I doubt if there is anything I can contribute to what has been presented except perhaps one thing. I think the membership of the House is interested in knowing that the projects in this river and harbor bill circle the United States, so to speak, and are all located on the Atlantic seaboard, the Gulf of Mexico, and the Pacific coast; none are inland. All of them are intended to improve and advance our national defense. We carried out the message and the recommendation of the President in that regard. May I say that no one could have been more diligent or alert in representing their constituency than the gentleman from Nebraska [Mr. CURTIS] and the gentleman from Connecticut [Mr. MILLER] in regard to the two projects which were stricken from the bill as it came back from the Senate. Both of them are flood-control projects, and both of them will be considered at another time, but they had no place in a river and harbor bill, and not because they are without merit. There are many extenuating circumstances in connection with the project in the State of Connecticut.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Connecticut.

Mr. MILLER. I simply want to compliment the members of the Rivers and Harbors Committee for the interest they showed in what was admittedly a flood-control project, but the session is drawing to a close and that amendment was of vital importance. The chairman of the Flood Control Committee has taken an active interest in it, and I understand an agreement has been reached and the bill will be considered tomorrow as a separate bill, and everybody will be happy.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. DONDERO. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. I agree with the statement that has been made by the gentleman, as well as by the chairman of the committee, the gentleman from Texas [Mr. MANSFIELD] and the gentleman from California [Mr. CARTER], that there are flood-control projects, of which the East Hartford project is one, which are just as important to national defense as many river and harbor projects, and I want to say that the East Hartford project was embraced in the flood-control bill that has been reported at this session of Congress and had it not been known that that bill would receive the same fate that was accorded to the larger river and harbor bill, it would have been brought up for consideration. It is the purpose of the Committee on Flood Control at the earliest practicable date in the next session of Congress, if not before, to bring up the emergency flood-control projects that are necessary in national defense and otherwise in the country, and I may

say that the East Hartford project, in my view, is just as essential as some of the river and harbor projects that have been embraced in the pending bill, and I think it should be brought up before the adjournment of the House, under a unanimous-consent agreement, and I propose to bring it up tomorrow morning.

Mr. DONDERO. I just want to close by saying that this report comes in with the unanimous approval of the House conferees, and the Senate has receded, therefore, the report ought to be adopted unanimously.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

#### ORDER OF BUSINESS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that on tomorrow it may be in order for the Speaker to recognize Members to move to suspend the rules.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

#### EXTENSION OF REMARKS

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Ramspeck bill and to include a letter and a chart from Mr. Moyer, of the civil service.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER. The Chair desires to make a statement. It is desired to get through by 4:30 o'clock. There are two other conference reports that we would like very much to agree to this afternoon.

#### AUTHORIZING SPECIAL AGENTS OF DIVISION OF INVESTIGATION OF THE DEPARTMENT OF THE INTERIOR TO ADMINISTER OATHS

Mr. O'CONNOR. Mr. Speaker, at the request of the chairman of the Committee on Public Lands, I call up the conference report on the bill (S. 2627) to empower and authorize special agents and such other employees of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties, and I ask unanimous consent that the statement may be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2627) to empower and authorize special agents of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments.

RENÉ L. DEROUEN,  
J. W. ROBINSON,  
HARRY L. ENGLEBRIGHT,  
*Managers on the part of the House.*

ALVA B. ADAMS,  
HENRY F. ASHURST,  
KEY PITTMAN,  
GERALD P. NYE,  
CHAN GURNEY,  
*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2627) to empower and authorize special agents of the Division of Investigations, Department of the Interior, as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties, submit the following written statement explaining the effect of the action agreed on:

That the House recede from its amendment (which struck out the verbiage "and such other employees") and agree to the original language as contained in the bill as it passed the Senate.

RENÉ L. DEROUEN,  
J. W. ROBINSON,  
HARRY L. ENGLEBRIGHT,  
*Managers on the part of the House.*

Mr. RICH. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. RICH. What is that language as it passed the Senate?

Mr. O'CONNOR. The bill passed the Senate and was reported out unanimously by the Committee on the Public Lands of the House. It was objected to on the Consent Calendar, and the gentleman from Utah [Mr. ROBINSON] proposed this amendment in line 3, on page 1 of the bill:

Strike out the words "and such other employees."

The bill as amended went back to the Senate and they would not agree to it and conferees were appointed. The conferees wrote into the report the identical language that was in the bill originally.

Mr. RICH. What does that do to the bill?

Mr. O'CONNOR. It simply does this: May I say this bill is for the purpose of authorizing special agents, and such other employees of the Department of the Interior as are designated by the Secretary of the Interior for that purpose, to administer oaths in the performance of their official duties; "and such other employees" broadens the authority to administer oaths; that is the House plan now stricken out in the House. This phrase is now restored to the bill. Does that answer the gentleman's question?

Mr. RICH. Yes.

Mr. TABER. Will the gentleman yield to me?

Mr. O'CONNOR. I yield.

Mr. TABER. This bill came on the floor of the House and I objected to it. I objected to it because these special agents in different departments where they have had this power have abused it. Because I felt that that power should not be generally given I objected, and at the earnest solicitation of the gentleman from Utah [Mr. ROBINSON] I agreed that if he would strike out those other words I would let the bill go through. Now the bill comes back from the Senate with those words written in that were stricken out. The only thing I have got to say is that I will know what to do when another bill comes up. That is all.

Mr. O'CONNOR. Mr. Speaker, the language that the gentleman objected to could not be compromised upon by the conferees. The conferees either had to take it all or leave it. Consequently they were absolutely powerless with reference to getting any sort of a compromise upon the language.

As a matter of fact, precedent is found for this very bill in the Department of Naturalization Service, the Coast Guard, Internal Revenue, Department of Agriculture, Veterans' Administration, Navy Department, customs officers, inspectors or officers or vessels, bank examiners, bankruptcy proceedings, post-office inspectors, Civil Service Commission, Interstate Commerce Commission. The language in the bill affecting the Department of Agriculture of this Government, which has been upon the statute books for 15 years, is much broader than this. It reads:

Such officers, agents, or employees of the Department of Agriculture of the United States as are designated by the Secretary of Agriculture for the purpose are authorized and empowered to administer oaths.

In this bill persons authorized to administer oaths are limited to the Division of Investigation and again limited to those persons who are empowered by the Secretary of the Interior.

Secondly, it will be of great advantage to the western country. For instance, in public territories like parks, where sometimes crimes are committed, it will enable the officers who are authorized to administer oaths, to collect and assemble the necessary evidence. As to investigators it will enable those who are making the investigation to reduce to sworn affidavits the statements of the people concerned.

Mr. LEAVY. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. LEAVY. As a matter of fact all this language does is to permit employees of the Department of the Interior who conduct investigations to administer oaths, rather than having to bring a notary public from a distance to administer these oaths, a practice indulged in by all the departments.

Mr. O'CONNOR. Exactly, and in this connection let me say that we live in a country of magnificent distances where one sometimes has to go a long ways for a notary public.

Mr. SCHAFER of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. O'CONNOR. I yield.

Mr. SCHAFER of Wisconsin. I have a great deal of respect for the very able, diligent, and distinguished gentleman from Montana who serves with me on the Committee on Indian Affairs. The gentleman has so effectively presented his case that there should be no opposition to the conference report on his bill. May I therefore respectfully submit that the distinguished gentleman from Montana should ask for a vote at this time.

Mr. O'CONNOR. I thank the gentleman. He is always very fair.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

#### HOUSING IN CONNECTION WITH NATIONAL DEFENSE

Mr. LANHAM submitted a conference report and statement on the bill (H. R. 10412) to expedite the provision of housing in connection with national defense, and for other purposes, for printing under the rule.

#### SOLDIERS' AND SAILORS' CIVIL RELIEF ACT OF 1940

Mr. THOMASON submitted the following conference report on the bill (S. 4270) to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard, for printing under the rule.

Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (S. 4270) to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard, and ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement of the managers on the part of the House.

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4270) to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including the Coast Guard, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That this Act may be cited as the Soldiers' and Sailors' Civil Relief Act of 1940.

#### "ARTICLE I—GENERAL PROVISIONS

"SEC. 100. In order to provide for, strengthen, and expedite the national defense under the emergent conditions which are threatening the peace and security of the United States and to enable the United States the more successfully to fulfill the requirements of the national defense, provision is hereby made to suspend enforcement of civil liabilities, in certain cases, of persons in the military service of the United States in order to enable such persons to devote their entire energy to the defense needs of the Nation, and to this end the following provisions are made for the temporary suspension of legal proceedings and transactions which may prejudice the civil rights of persons in such service during the period herein specified over which this act remains in force.

"SEC. 101. (1) The term 'persons in military service' and the term 'persons in the military service of the United States,' as used

in this Act, shall include the following persons and no others: All members of the Army of the United States, the United States Navy, the Marine Corps, the Coast Guard, and all officers of the Public Health Service detailed by proper authority for duty either with the Army or the Navy. The term 'military service', as used in this Act, shall signify Federal service on active duty with any branch of service heretofore referred to or mentioned as well as training or education under the supervision of the United States preliminary to induction into the military service. The terms 'active service' or 'active duty' shall include the period during which a person in military service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

"(2) The term 'period of military service', as used in this Act, shall include the time between the following dates: For persons in active service at the date of the approval of this Act it shall begin with the date of approval of this Act; for persons entering active service after the date of this Act, with the date of entering active service. It shall terminate with the date of discharge from active service or death while in active service, but in no case later than the date when this Act ceases to be in force.

"(3) The term 'person', when used in this Act with reference to the holder of any right alleged to exist against a person in military service or against a person secondarily liable under such right, shall include individuals, partnerships, corporations, and any other forms of business association.

"(4) The term 'court', as used in this Act, shall include any court of competent jurisdiction of the United States or of any State, whether or not a court of record.

"SEC. 102. (1) The provisions of this Act shall apply to the United States, the several States and Territories, the District of Columbia, and all territory subject to the jurisdiction of the United States, including the Philippine Islands while under the sovereignty of the United States, and to proceedings commenced in any court therein, and shall be enforced through the usual forms of procedure obtaining in such courts or under such regulations as may be by them prescribed.

"(2) When under this Act any application is required to be made to a court in which no proceeding has already been commenced with respect to the matter, such application may be made to any court.

"SEC. 103. (1) Whenever pursuant to any of the provisions of this Act the enforcement of any obligation or liability, the prosecution of any suit or proceeding, the entry or enforcement of any order, writ, judgment, or decree, or the performance of any other act, may be stayed, postponed, or suspended, such stay, postponement, or suspension may, in the discretion of the court, likewise be granted to sureties, guarantors, endorsers, and others subject to the obligation or liability, the performance or enforcement of which is stayed, postponed, or suspended.

"(2) When a judgment or decree is vacated or set aside in whole or in part, as provided in this Act, the same may, in the discretion of the court, likewise be set aside and vacated as to any surety, guarantor, endorser, or other person liable upon the contract or liability for the enforcement of which the judgment or decree was entered.

#### "ARTICLE II—GENERAL RELIEF

"SEC. 200. (1) In any action or proceeding commenced in, any court, if there shall be a default of any appearance by the defendant, the plaintiff, before entering judgment shall file in the court an affidavit setting forth facts showing that the defendant is not in military service. If unable to file such affidavit plaintiff shall in lieu thereof file an affidavit setting forth either that the defendant is in the military service or that plaintiff is not able to determine whether or not defendant is in such service. If an affidavit is not filed showing that the defendant is not in the military service, no judgment shall be entered without first securing an order of court directing such entry, and no such order shall be made if the defendant is in such service until after the court shall have appointed an attorney to represent defendant and protect his interest, and the court shall on application make such appointment. Unless it appears that the defendant is not in such service the court may require, as a condition before judgment is entered, that the plaintiff file a bond approved by the court conditioned to indemnify the defendant, if in military service, against any loss or damage that he may suffer by reason of any judgment should the judgment be thereafter set aside in whole or in part. And the court may make such other and further order or enter such judgment as in its opinion may be necessary to protect the rights of the defendant under this Act.

"(2) Any person who shall make or use an affidavit required under this section, knowing it to be false, shall be guilty of a misdemeanor and shall be punishable by imprisonment not to exceed one year or by fine not to exceed \$1,000, or both.

"(3) In any action or proceeding in which a person in military service is a party if such party does not personally appear therein or is not represented by an authorized attorney, the court may appoint an attorney to represent him; and in such case a like bond may be required and an order made to protect the rights of such person. But no attorney appointed under this Act to protect a person in military service shall have power to waive any right of the person for whom he is appointed or bind him by his acts.

"(4) If any judgment shall be rendered in any action or proceeding governed by this section against any person in military service during the period of such service or within thirty days thereafter, and it appears that such person was prejudiced by reason of his military service in making his defense thereto, such judgment may, upon application, made by such person or his legal representative, not later than ninety days after the termination of such service, be opened by the court rendering the same and such

defendant or his legal representative let in to defend; provided it is made to appear that the defendant has a meritorious or legal defense to the action or some part thereof. Vacating, setting aside, or reversing any judgment because of any of the provisions of this Act shall not impair any right or title acquired by any bona fide purchaser for value under such judgment.

"Sec. 201. At any stage thereof any action or proceeding in any court in which a person in military service is involved, either as plaintiff or defendant, during the period of such service or within sixty days thereafter may, in the discretion of the court in which it is pending, on its own motion, and shall, on application to it by such person or some person on his behalf, be stayed as provided in this Act, unless, in the opinion of the court, the ability of plaintiff to prosecute the action or the defendant to conduct his defense is not materially affected by reason of his military service.

"Sec. 202. When an action for compliance with the terms of any contract is stayed pursuant to this Act no fine or penalty shall accrue by reason of failure to comply with the terms of such contract during the period of such stay, and in any case where a person fails to perform any obligation and a fine or penalty for such nonperformance is incurred a court may, on such terms as may be just, relieve against the enforcement of such fine or penalty if it shall appear that the person who would suffer by such fine or penalty was in the military service when the penalty was incurred and that by reason of such service the ability of such person to pay or perform was thereby materially impaired.

"Sec. 203. In any action or proceeding commenced in any court against a person in military service, before or during the period of such service, or within 60 days thereafter, the court may, in its discretion, on its own motion, or on application to it by such person or some person on his behalf shall, unless in the opinion of the court the ability of the defendant to comply with the judgment or order entered or sought is not materially affected by reason of his military service—

"(a) Stay the execution of any judgment or order entered against such person, as provided in this Act; and

"(b) Vacate or stay any attachment or garnishment of property, money, or debts in the hands of another, whether before or after judgment as provided in this Act.

"Sec. 204. Any stay of any action, proceeding, attachment, or execution, ordered by any court under the provisions of this Act may, except as otherwise provided, be ordered for the period of military service and 3 months thereafter or any part of such period, and subject to such terms as may be just, whether as to payment in installments of such amounts and at such times as the court may fix or otherwise. Where the person in military service is a codefendant with others the plaintiff may nevertheless by leave of court proceed against the others.

"Sec. 205. The period of military service shall not be included in computing any period now or hereafter to be limited by any law for the bringing of any action by or against any person in military service or by or against his heirs, executors, administrators, or assigns, whether such cause of action shall have accrued prior to or during the period of such service.

#### "ARTICLE III—RENT, INSTALLMENT CONTRACTS, MORTGAGES

"Sec. 300. (1) No eviction or distress shall be made during the period of military service in respect of any premises for which the agreed rent does not exceed \$80 per month, occupied chiefly for dwelling purposes by the wife, children, or other dependents of a person in military service, except upon leave of court granted upon application therefor or granted in an action or proceeding affecting the right of possession.

"(2) On any such application or in any such action the court may, in its discretion, on its own motion, and shall, on application, unless in the opinion of the court the ability of the tenant to pay the agreed rent is not materially affected by reason of such military service, stay the proceedings for not longer than 3 months, as provided in this Act, or it may make such other order as may be just.

"(3) Any person who shall knowingly take part in any eviction or distress otherwise than as provided in subsection (1) hereof shall be guilty of a misdemeanor, and shall be punishable by imprisonment not to exceed 1 year or by fine not to exceed \$1,000, or both.

"(4) The Secretary of War, the Secretary of the Navy, or the Secretary of the Treasury with respect to the Coast Guard, as the case may be, is hereby empowered, subject to such regulations as he may prescribe, to order an allotment of the pay of a person in military service in reasonable proportion to discharge the rent of premises occupied for dwelling purposes by the wife, children, or other dependents of such person.

"Sec. 301. (1) No person who prior to the date of approval of this Act has received, or whose assignor has received, under a contract for the purchase of real or personal property, or of lease or bailment with a view to purchase of such property, a deposit or installment of the purchase price from a person or from the assignor of a person who, after the date of payment of such deposit or installment, has entered military service, shall exercise any right or option under such contract to rescind or terminate the contract or resume possession of the property for nonpayment of any installment falling due during the period of such military service, except by action in a court of competent jurisdiction: *Provided*, That nothing contained in this section shall prevent the modification, termination, or cancellation of any such contract, or prevent the repossession or retention of property purchased or received under such contract, pursuant to a mutual agreement of the parties thereto, or their assignees, if such agreement is executed in writing

subsequent to the making of such contract and during or after the period of military service of the person concerned.

"(2) Any person who shall knowingly resume possession of property which is the subject of this section otherwise than as provided in subsection (1) hereof shall be guilty of a misdemeanor and shall be punished by imprisonment not to exceed one year or by fine not to exceed \$1,000, or both.

"(3) Upon the hearing of such action the court may order the repayment of prior installments or deposits or any part thereof, as a condition of terminating the contract and resuming possession of the property, or may, in its discretion, on its own motion, and shall, except as provided in section 303, on application to it by such person in military service or some person on his behalf, order a stay of proceedings as provided in this Act unless, in the opinion of the court, the ability of the defendant to comply with the terms of the contract is not materially affected by reason of such service; or it may make such other disposition of the case as may be equitable to conserve the interests of all parties.

"Sec. 302. (1) The provisions of this section shall apply only to obligations originating prior to the date of approval of this Act and secured by mortgage, trust deed, or other security in the nature of a mortgage upon real or personal property owned by a person in military service at the commencement of the period of the military service and still so owned by him.

"(2) In any proceeding commenced in any court during the period of military service to enforce such obligation arising out of nonpayment of any sum thereunder due or out of any other breach of the terms thereof occurring prior to or during the period of such service the court may, after hearing, in its discretion, on its own motion, and shall, except as provided in section 303, on application to it by such person in military service or some person on his behalf, unless in the opinion of the court the ability of the defendant to comply with the terms of the obligation is not materially affected by reason of his military service—

"(a) Stay the proceedings as provided in this Act; or

"(b) make such other disposition of the case as may be equitable to conserve the interests of all parties.

"(3) No sale under a power of sale or under a judgment entered upon warrant of attorney to confess judgment contained in any such obligation shall be valid if made during the period of military service or within three months thereafter, unless upon an order of sale previously granted by the court and a return thereto made and approved by the court.

"Sec. 303. No court shall stay a proceeding to resume possession of a motor vehicle, tractor, or the accessories of either, or for an order of sale thereof, where said motor vehicle, tractor, or accessories are encumbered by a purchase money mortgage, conditional sales contract, or a lease or bailment with a view to purchase, unless the court shall find that 50 per centum or more of the purchase price of said property has been paid, but in any such proceeding the court may, before entering an order or judgment, require the plaintiff to file a bond, approved by the court, conditioned to indemnify the defendant, if in military service, against any loss or damage that he may suffer by reason of any such judgment or order should the judgment or order be set aside in whole or in part.

#### "ARTICLE IV—INSURANCE

"Sec. 400. In this article the term 'policy' shall include any contract of life insurance on the level premium or legal reserve plan. It shall also include any benefit in the nature of life insurance arising out of membership in any fraternal or beneficial association; the term 'premium' shall include membership dues or assessments in such association, and the date of issuance of policy as herein limited shall refer to the date of admission to membership in such association; the term 'insured' shall include any person who is the holder of a policy as defined in this article; the term 'insurer' shall include any corporation, partnership, or other form of association which secures or provides insurance under any policy as defined in this article.

"Sec. 401. (1) The benefits of this article shall apply to any person in military service who is the holder of a policy of life insurance, when such holder shall apply for such benefits on a form prepared in accordance with regulations which shall be prescribed by the Administrator of Veterans' Affairs. Such form shall set forth particularly that the application therein made is a consent to such modification of the terms of the original contract of insurance as are made necessary by the provisions of this article and by receiving and filing the same the insurer shall be deemed to have assented thereto, to the extent, if any, to which the policy on which the application is made is within the provisions of this article. The original of such application shall be sent by the insured to the insurer, and a copy thereof to the Veterans' Administration.

"(2) The Veterans' Administration shall issue through suitable military and naval channels a notice for distribution by appropriate military and naval authorities to persons in the military service explaining the provisions of this article and shall furnish forms to be distributed to those desiring to make application for its benefits.

"Sec. 402. The benefits of this Act shall be available to any person in military service in respect of contracts of insurance in force under their terms up to but not exceeding a face value of \$5,000, irrespective of the number of policies held by such person whether in one or more companies, when such contracts were made and a premium was paid thereon before the date of approval of this Act or not less than thirty days before entry into the military service;

but in no event shall the provisions of this article apply to any policy on which premiums are due and unpaid for a period of more than one year at the time when application for the benefits of this article is made or in respect of any policy on which there is outstanding a policy loan or other indebtedness equal to or greater than 50 per centum of the cash surrender value of the policy.

"Sec. 403. The Veterans' Administration shall, subject to regulations, which shall be prescribed by the Administrator of Veterans' Affairs, compile and maintain a list of such persons in military service as have made application for the benefits of this article, and shall (1) reject any application for such benefits made by persons who are not persons in military service; (2) reject any applications for such benefits in excess of the amount permitted by section 402; and (3) reject any applications in respect of contracts of insurance otherwise not entitled to the benefits of this article. Said Administration shall immediately notify the insurer and the insured in writing of every rejection or approval.

"Sec. 404. When one or more applications are made under this article by any one person in military service in respect of insurance exceeding a total face value of \$5,000, whether on one or more policies or in one or more companies, and the insured shall not in his application indicate an order of preference, the Veterans' Administration shall reject such policies as have the inferior cash surrender value, so as to reduce the total benefits conferred within the face value of \$5,000, and where necessary for this purpose shall direct the insurer to divide any policy into two separate policies. The said Administration shall immediately notify the insurer and the insured in writing of such selection.

"Sec. 405. No policy which has not lapsed for the nonpayment of premium before the commencement of the period of military service of the insured, and which has been brought within the benefits of this article, shall lapse or be forfeited for the nonpayment of premium during the period of such service or during one year after the expiration of such period: *Provided*, That in no case shall this prohibition extend for more than one year after the date when this Act ceases to be in force.

"Sec. 406. Within the first fifteen days of each calendar month after the date approval of this Act until the expiration of one year after the date when this Act ceases to be in force every insurance corporation or association to which application has been made as herein provided, for the benefits of this article, shall render to the Veterans' Administration a report, duly verified, setting forth the following facts:

"First. The names of the persons who have applied for such benefits, and the face value of the policies in respect of which such benefits have been applied for by such persons, during the preceding calendar month.

"Second. A list as far as practicable of the premiums in respect of policies entitled to the benefits of this article, which remain unpaid on the last day of the preceding calendar month, which day is at least thirty-one days after the due date of the premiums, provided such premiums have not previously been so reported as in default.

"Third. A list of premiums which, having been previously reported as in default, have been paid by the policyholder or someone on his behalf in whole or in part during the preceding calendar month.

"Fourth. A computation of the difference between the total amount of defaulted premiums therein reported and the total amount of premiums paid as therein reported, after having been previously reported as in default. From this sum shall be deducted the total sum of any premiums previously reported as in default, upon policies in respect of which the Veterans' Administration has, since the date of such report, rejected an application for the benefits of this article. The final sum so arrived at shall be denominated the monthly difference.

"Sec. 407. The Administrator of Veterans' Affairs shall verify the computation of monthly difference reported by each insurer and shall, within ten days thereafter, deliver each month to the proper officer of such insurer, a certificate in the amount of the monthly difference certified in respect of each insurer. Such certificate shall be signed by said Administrator in the name of the United States, shall be in such form as the Administrator shall determine, shall be payable to the insurer within sixty days after the approval of the statement of account, as provided in section 411 hereof, and shall bear interest at a rate to be prescribed by the Secretary of the Treasury, payable with the principal. Such certificate shall not be transferred except with the approval of said Administrator and shall remain with the insurer until settlement is made in accordance with this article.

"Sec. 408. The certificate so delivered shall be held by the respective insurers as security for the payment of the defaulted premiums with interest. To indemnify it against loss the United States shall have a first lien upon any policy receiving the benefits of this article, subject only to any lien existing at the time the policy became subject to this Act, and no loan or settlement or payment of dividend shall be made by the insurer on such policy which may prejudice the security of such lien. Before any dividend is paid or any loan or settlement is made the written consent of the Veterans' Administration must be obtained.

"Sec. 409. In the event that the military service of any person being the holder of a policy receiving the benefits of this article shall be terminated by death, the amount of any unpaid premiums, with interest at the rate provided for in the policy for policy loans, shall be deducted from the proceeds of the policy and shall be included in the next monthly report of the insurer as premiums paid.

"Sec. 410. If the insured does not within one year after the termination of his period of military service pay to the insurer all past due premiums with interest thereon from their several due dates at the rate provided in the policy for policy loans, the policy shall at the end of such year immediately lapse and become void, and the insurer shall thereupon become liable to pay the cash surrender value thereof, if any: *Provided*, That if the insured is in the military service when this Act ceases to be in force, such lapse shall occur and surrender value be payable at the expiration of one year after the date when this Act ceases to be in force.

"Sec. 411. At the expiration of one year after the date when this Act ceases to be in force there shall be an account stated between each insurer and the United States, in which there shall be credited to the insurer the total amount of the certificates held as security under this article, together with accrued interest to the date of the account, and in which there shall be credited to the United States the amount of the cash surrender value of each policy lapsed or forfeited as provided in section 410, but not in any case a greater amount on any policy than the total of the unpaid premiums with interest thereon at the rate provided for in the policy for policy loans.

"Sec. 412. The balance in favor of the insurer in each case shall be certified by the Administrator of Veterans' Affairs to the Secretary of the Treasury, who shall pay to the insurer the amount thereof, which is hereby authorized to be appropriated, out of any moneys in the Treasury not otherwise appropriated, upon the surrender by the insurer of the certificates delivered to it from time to time by the Administrator of Veterans' Affairs under the provisions of this article.

"Sec. 413. This article shall not apply to any policy which is void or which may at the option of the insured be voidable, if the insured is in military service, either in this country or abroad, nor to any policy which as a result of being in military service, either in this country or abroad, provides for the payment of any sum less than the face thereof or for the payment of an additional amount as premium.

"Sec. 414. This article shall apply only to insurance companies or associations which are required by the law under which they are organized or doing business to maintain a reserve, or, which if not so required, have made or shall make provision for the collection from all those insured in such insurer of a premium to cover the special war risk of those insured persons who are in military service.

#### "ARTICLE V—TAXES AND PUBLIC LANDS

"Sec. 500. (1) The provisions of this section shall apply when any taxes or assessments, whether general or special, falling due during the period of military service in respect of real property owned and occupied for dwelling, agricultural, or business purposes by a person in military service or his dependents at the commencement of his period of military service and still so occupied by his dependents or employees are not paid.

"(2) When any person in military service, or any person in his behalf, shall file with the collector of taxes, or other officer whose duty it is to enforce the collection of taxes or assessments, an affidavit showing (a) that a tax or assessment has been assessed upon property which is the subject of this section, (b) that such tax or assessment is unpaid, and (c) that by reason of such military service the ability of such person to pay such tax or assessment is materially affected, no sale of such property shall be made to enforce the collection of such tax or assessment, or any proceeding or action for such purpose commenced, except upon leave of court granted upon an application made therefor by such collector or other officer. The court thereupon may stay such proceedings or such sale, as provided in this Act, for a period extending not more than six months after the termination of the period of military service of such person.

"(3) When by law such property may be sold or forfeited to enforce the collection of such tax or assessment, such person in military service shall have the right to redeem or commence an action to redeem such property, at any time not later than six months after the termination of such service, but in no case later than six months after the date when this Act ceases to be in force; but this shall not be taken to shorten any period, now or hereafter provided by the laws of any State or Territory for such redemption.

"(4) Whenever any tax or assessment shall not be paid when due, such tax or assessment due and unpaid shall bear interest until paid at the rate of 6 per centum per annum, and no other penalty or interest shall be incurred by reason of such nonpayment. Any lien for such unpaid taxes or assessment shall also include such interest thereon.

"(5) The Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury shall make provision in such manner as each may deem appropriate for his respective department, to insure the giving of notice to persons in the military service under their respective jurisdictions, of the benefits accorded by this section and the action made necessary to claim those benefits in each case.

"Sec. 501. (1) No right to any lands owned or controlled by the United States initiated or acquired under any laws of the United States, including the mining and mineral leasing laws, by any person prior to entering military service shall during the period of such service be forfeited or prejudiced by reason of his absence from the land or his failure to perform any work or make any improvements thereon or his failure to do any other act required by or under such laws.

"(2) If a permittee or licensee under the Act of June 28, 1934 (48 Stat. 1269), enters military service, he may elect to suspend his permit or license for the period of his military service and six months thereafter, and the Secretary of the Interior by regulations

shall provide for such suspension of permits and licenses and for the remission, reduction, or refund of grazing fees during such suspension.

"(3) This section shall not be construed to control specific requirements contained in this article.

"SEC. 502. If any person whose application for a homestead entry has been allowed or who has made application for homestead entry which may thereafter be allowed, after such entry or application enters military service, or if any person who has a valid settlement claim enters military service, the Department of the Interior shall construe his military service to be equivalent to residence and cultivation upon the tract entered or settled upon for the period of such service. From the effective date of this Act no contest shall be initiated on the ground of abandonment and no allegation of abandonment shall be sustained against any such person, unless it shall be alleged in the preliminary affidavit or affidavits of contest and proved at the hearing in cases initiated subsequent to the effective date of this Act that the alleged absence from the land was not due to such military service. If such person is discharged on account of wounds received or disability incurred in the line of duty, the term of his enlistment and any period of hospitalization due to such wounds or disability shall be deducted from the required length of residence, without reference to the time of actual service. No patent shall issue to any such person who has not resided upon, improved, and cultivated his homestead for a period of at least one year.

"SEC. 503. (1) If any person whose application for a homestead entry has been allowed or who has made application for homestead entry which may thereafter be allowed or who has a valid settlement claim dies while in military service or as a result of such service, his widow, if unmarried, or in the case of her death or marriage, his minor children, or his or their legal representatives, may proceed forthwith to make final proof upon such entry or upon an application which is allowed after the applicant's death, or upon a homestead application thereafter allowed based on a valid settlement claim, and shall be entitled to receive a patent for such land. The death of such person while in military service or as a result of such service shall be construed to be equivalent to a performance of all requirements as to residence and cultivation upon such homestead or claim, notwithstanding the provisions of section 502 of this Act.

"(2) If such person is honorably discharged and because of physical incapacities due to such service is unable to return to the land, he may make final proof without further residence, improvement, or cultivation, at such time and place as the Secretary of the Interior may authorize, and receive a patent to the land entered.

"(3) The Act of July 28, 1917 (40 Stat. 248), is hereby repealed.

"SEC. 504. (1) No desert-land entry made or held under the desert-land laws prior to the entrance of the entryman or his successor in interest into military service shall be subject to contest or cancellation for failure to make or expend the sum of \$1 per acre per year in improvements upon the claim or to effect the reclamation of the claim during the period the entryman or his successor in interest is engaged in military service or during a period of six months thereafter or during any period of hospitalization because of wounds or disability incurred in the line of duty. The time within which such entryman or claimant is required to make such expenditures and effect reclamation of the land shall be exclusive of his period of service and the six-months' period and any such period of hospitalization.

"(2) If such entryman or claimant is honorably discharged and because of physical incapacities due to such service is unable to accomplish reclamation of, and payment for, the land, he may make proof without further reclamation or payments under such rules as the Secretary of the Interior may prescribe and receive patent for the land entered or claimed.

"(3) In order to obtain the benefits of this section, such entryman or claimant shall, within six months after the effective date of this Act or within six months after his entrance into military service, file or cause to be filed in the land office of the district in which his claim is situated a notice that he has entered military service and that he desires to hold the desert claim under this section.

"SEC. 505. (1) The provisions of section 2324 of the Revised Statutes of the United States, which require that on each mining claim located after May 10, 1872, and until patent has been issued therefor not less than \$100 worth of labor shall be performed or improvements made during each year, shall not apply during the period of his service, or until six months after the termination of such service, or during any period of hospitalization because of wounds or disability incurred in line of duty, to claims or interests in claims which are owned by a person in military service and which have been regularly located and recorded. No mining claim or any interest in a claim which is owned by such a person and which has been regularly located and recorded shall be subject to forfeiture by nonperformance of the annual assessments during the period of such military service, or until six months after the termination of such service or of such hospitalization.

"(2) In order to obtain the benefits of this section, the claimant of any mining location shall, before the expiration of the assessment year during which he enters military service, file or cause to be filed in the office where the location notice or certificate is recorded a notice that he has entered such service and that he desires to hold his mining claim under this section.

"SEC. 506. (1) Any person holding a permit or lease on the public domain under the Federal mineral leasing laws who enters military service may, at his election, suspend all operations under his permit or lease for a period of time equivalent to the period of his military

service and six months thereafter. The term of the permit or lease shall not run during such period of suspension nor shall any rentals or royalties be charged against the permit or lease during the period of suspension.

"(2) In order to obtain the benefit of this section, such permittee or lessee shall, within six months after the effective date of this Act or six months after his entrance into military service, notify the General Land Office by registered mail of his entrance into such service and of his desire to avail himself of the benefits of this section.

"(3) This section shall not be construed to supersede the terms of any contract for operation of a permit or lease.

"SEC. 507. Nothing in this article shall be construed to limit or affect the right of a person in military service to take any action during his period of service which may be authorized by law or the regulations of the Department of the Interior for the perfection, defense, or further assertion of rights initiated or acquired prior to the date of entering military service. It shall be lawful for any person while in such service to make any affidavit or submit any proof which may be required by law or the practice or regulations of the General Land Office in connection with the entry, perfection, defense, or further assertion of any rights initiated or acquired prior to entering such service, before the officer in immediate command and holding a commission in the branch of the service in which the person is engaged. Such affidavits shall be as binding in law and with like penalties as if taken before a register of a United States land office. The Secretary of the Interior may issue rules and regulations to effectuate the purposes of sections 501 to 512, inclusive.

"SEC. 508. The Secretary of the Interior is hereby authorized, in his discretion, to suspend as to persons in military service during the period while this Act remains in force and for a period of six months thereafter or during any period of hospitalization because of wounds or disability incurred in line of duty that provision of the act known as the 'Reclamation Act' requiring residence upon lands in private ownership or within the neighborhood for securing water for the irrigation of the same, and he is authorized to permit the use of available water thereon upon such terms and conditions as he may deem proper.

"SEC. 509. The Secretary of the Interior shall issue through appropriate military and naval channels a notice for distribution by appropriate military and naval authorities to persons in the military service explaining the provisions of this article except as to section 500 hereof and shall furnish forms to be distributed in like manner to those desiring to make application for its benefits, except as to said section.

"SEC. 510. (1) During the pendency of any war in which the United States may be engaged while this Act remains in force any homestead entryman shall be entitled to a leave of absence from his entry for the purpose of performing farm labor. The time actually spent in farm labor shall be counted as constructive residence, if within fifteen days after leaving his entry to engage in such labor the entryman files a notice of absence in the land office of the district in which his entry is situated, and if at the expiration of the calendar year the entryman files in that office a written statement under oath and corroborated by two witnesses giving the date or dates when he left his entry, the date or dates of his return, and the place where and person for whom he was engaged in farm labor during such period or periods of absence.

"(2) Nothing in this section shall excuse any homestead entryman from making improvements or performing the cultivation upon his entry required by law. The provisions of this section shall apply only to persons whose applications have been allowed or filed prior to the effective date of this Act.

"SEC. 511. Any person under the age of twenty-one who serves in the military service while this Act remains in force shall be entitled to the same rights under the laws relating to lands owned or controlled by the United States, including the mining and mineral leasing laws, as those over twenty-one now possess under such laws. Any requirements as to establishment of residence within a limited time shall be suspended as to entry by such person until six months after his discharge from military service. Applications for entry may be verified before any officer in the United States or any foreign country authorized to administer oaths by the laws of the State or Territory in which the land may be situated.

"SEC. 512. Citizens of the United States who serve with the forces of any nation with which the United States may be allied in the prosecution of any war in which the United States engages while this Act remains in force shall be entitled to the relief and benefits afforded by this article, if such service is similar to military service as defined in this Act, and if they are honorably discharged and resume United States citizenship or die in the service of the allied forces or as a result of such service.

"SEC. 513. The collection from any person in the military service of any tax on the income of such person, whether falling due prior to or during his period of military service, shall be deferred for a period extending not more than six months after the termination of his period of military service if such person's ability to pay such tax is materially impaired by reason of such service. No interest on any amount of tax, collection of which is deferred for any period under this section, and no penalty for nonpayment of such amount during such period, shall accrue for such period of deferment by reason of such nonpayment. The running of any statute of limitations against the collection of such tax by distraint or otherwise shall be suspended for the period of military service of any individual the collection of whose tax is deferred under this section, and for an additional period of nine months beginning with the day following the period of military service. The provisions of

this section shall not apply to the income tax on employees imposed by section 1400 of the Federal Insurance Contributions Act.

#### "ARTICLE VI—ADMINISTRATIVE REMEDIES

"Sec. 600. Where in any proceeding to enforce a civil right in any court it is made to appear to the satisfaction of the court that any interest, property, or contract has since the date of the approval of this Act been transferred or acquired with intent to delay the just enforcement of such right by taking advantage of this Act, the court shall enter such judgment or make such order as might lawfully be entered or made, the provisions of this Act to the contrary notwithstanding.

"Sec. 601. (1) In any proceeding under this Act a certificate signed by The Adjutant General of the Army as to persons in the Army or in any branch of the United States service while serving pursuant to law with the Army of the United States, signed by the Chief of the Bureau of Navigation of the Navy Department as to persons in the United States Navy or in any other branch of the United States service while serving pursuant to law with the United States Navy, and signed by the Major General Commandant, United States Marine Corps, as to persons in the Marine Corps, or in any other branch of the United States service while serving pursuant to law with the Marine Corps, or signed by an officer designated by any of them, respectively, for the purpose, shall when produced be prima facie evidence as to any of the following facts stated in such certificate:

"That a person named has not been, or is, or has been in military service; the time when and the place where such person entered military service, his residence at that time, and the rank, branch, and unit of such service that he entered, the dates within which he was in military service, the monthly pay received by such person at the date of issuing the certificate, the time when and the place where such person died in or was discharged from such service.

"(2) It shall be the duty of the foregoing officers to furnish such certificate on application, and any such certificate when purporting to be signed by any one of such officers or by any person purporting upon the face of the certificates to have been so authorized shall be prima facie evidence of its contents and of the authority of the signer to issue the same.

"(3) Where a person in military service has been reported missing he shall be presumed to continue in the service until accounted for, and no period herein limited which begins or ends with the death of such person shall begin or end until the death of such person is in fact reported to or found by the Department of War or Navy, or any court or board thereof, or until such death is found by a court of competent jurisdiction: *Provided*, That no period herein limited which begins or ends with the death of such person shall be extended hereby beyond a period of six months after the time when this Act ceases to be in force.

"Sec. 602. Any interlocutory order made by any court under the provisions of this Act may, upon the court's own motion or otherwise, be revoked, modified, or extended by it upon such notice to the parties affected as it may require.

"Sec. 603. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

"Sec. 604. This Act shall remain in force until May 15, 1945: *Provided*, That should the United States be then engaged in a war, this Act shall remain in force until such war is terminated by a treaty of peace proclaimed by the President and for six months thereafter: *Provided further*, That wherever under any section or provision of this Act a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction has been authorized or provided with respect to military service performed prior to the date herein fixed for the termination of this Act, such section or provision shall be deemed to continue in full force and effect so long as may be necessary to the exercise or enjoyment of such proceeding, remedy, privilege, stay, limitation, accounting, or other transaction.

"Sec. 605. The provisions of section 4 of the Joint Resolution approved August 27, 1940 (Public Resolution Numbered 96, Seventy-sixth Congress), and the provisions of section 13 of the Selective Training and Service Act of 1940, shall not be applicable with respect to any military service performed after the date of enactment of this Act."

And the House agree to the same.

A. J. MAY,  
R. E. THOMASON,  
JOHN M. COSTELLO,  
L. C. ARENDS,  
FOREST A. HARNES,

*Managers on the part of the House.*

ELBERT D. THOMAS,  
JOHN H. OVERTON,  
WARREN R. AUSTIN,  
CHAN GURNEY,

*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (S. 4270) to promote and strengthen the national defense by suspending enforcement of certain civil liabilities of certain persons serving in the Military and Naval Establishments, including

the Coast Guard, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

Most of the provisions of the Senate bill and the House amendment were identical. While there were a number of minor differences of a clerical nature between the Senate bill and the House amendment, there were few substantive differences. The substantive differences between the Senate bill, the House amendment, and the conference agreement are discussed below.

Section 301 of the Senate bill and section 301 of the House amendment both provided that no person who has received, under a contract for the purchase of property or for the lease or bailment of property with a view to its purchase, a deposit or installment of the purchase price from a person who enters military service should terminate or rescind the contract or repossess the property for nonpayment of any installment falling due during the period of such military service, except by action of a court of competent jurisdiction. The Senate bill also contained a proviso to the effect that nothing in the section should prevent the modification, termination, or cancellation of any such contract, or prevent the repossession or retention of property purchased or received under such contract, pursuant to a mutual agreement of the parties, if such agreement is executed in writing subsequent of the making of the contract and during or after the period of military service. The comparable provision in the House amendment provided that the contract might be terminated or canceled by mutual consent of the parties thereto, executed in writing, and possession of the property resumed. The conference agreement follows the provision of the Senate bill. The conference agreement also restricts the application of this section to those cases in which an installment or deposit has been received prior to the date of approval of the act. The Senate bill also provided in this section that the court in which the action is brought should stay the proceedings upon application by or on behalf of the person in military service. Under the House bill the granting of a stay would be discretionary with the court. The conference agreement follows the Senate bill with a modification making it clear that the court is not to be required to grant a stay in conflict with the provisions of section 303. The conference agreement also makes a clarifying change in section 302 in order to make it clear that a stay is not to be granted under that section in conflict with section 303.

Section 303 of the House amendment contained provisions not in the Senate bill. This section provided that no court should stay a proceeding to resume possession of a motor vehicle, tractor, or the accessories of either, or for an order of sale thereof, unless the court found that 50 per centum or more of the purchase price had been paid. The conference agreement retains this section.

The conference agreement modifies the provisions in section 500 (2) relating to the manner of stays of proceedings or sales for the collection of taxes, so as to provide that no such stay shall extend for a period of more than 6 months after the termination of the period of military service of the person concerned.

The House amendment contained a provision (sec. 500 (6)) providing for the deferment of income taxes on the income of any person in military service if such person's ability to pay such taxes is impaired by reason of such service. This provision is retained in the conference agreement (sec. 513) with certain modifications and clarifying changes. Under the provision as it is contained in the conference agreement the collection of income taxes is to be deferred for a period extending not more than 6 months after the termination of the period of military service, and is to be deferred only if the taxpayer's ability to pay the tax is materially impaired by reason of such service. No interest or penalty is to accrue on account of nonpayment of the tax during the period of deferment. The running of any statute of limitations against the collection of tax is to be suspended during the period of military service and for 9 months thereafter. The deferment provisions are not to be applicable with respect to the Social Security taxes payable under section 1400 of the Federal Insurance Contributions Act.

Sections 502 and 503 extend certain relief in the case of homestead entrymen who entered the military service. Under the House amendment this relief was extended to persons having a valid settlement claim. The conference agreement follows the House amendment in this respect.

The Senate bill contained a separability provision, which was not in the House amendment. This provision is retained in the conference agreement.

The termination date provided for was May 15, 1945, in the Senate bill, and June 30, 1945, in the House amendment. The conference agreement provides for termination on May 15, 1945, which is also the termination date for the Selective Training and Service Act of 1940.

Both the Senate bill and the House amendment contained savings clauses for the purpose of providing that the termination of the act should not prevent the exercise or enjoyment of a proceeding, remedy, privilege, stay, limitation, accounting, or other transaction authorized or provided on account of events occurring prior to the date fixed for such termination. While these clauses have the same purpose there was some difference in language. The conference agreement follows substantially the House amendment with a modification which makes it clear that the savings clause is to be effective only for the purpose of preserving proceedings, remedies, privileges, stays, limitations, accountings, and other transactions arising out of or connected with military service performed prior to the date fixed for termination of the act.

The Senate bill provided that the provisions of section 4 of Public Resolution Numbered 96, Seventy-sixth Congress, and of section 13 of the Selective Training and Service Act of 1940 (extending certain of the benefits of the Soldiers' and Sailors' Civil Relief Act of 1918 to members of the Reserve components of the military and naval forces on active duty and to persons inducted under the Selective Training and Service Act) should not be applicable with respect to any military service performed after the date of enactment of this act. The House amendment repealed these two sections. The conference agreement follows the provisions of the Senate bill.

A. J. MAY,  
R. E. THOMASON,  
JOHN M. COSTELLO,  
L. C. ARENDS,  
FOREST A. HARNESSE,

*Managers on the part of the House.*

Mr. THOMASON. Mr. Speaker, I may say that there is substantially no difference whatever between the report and the bill as it passed the House.

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

FRANK HALL

Mr. KENNEDY of Maryland. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 7283) for the relief of Frank Hall, with a Senate amendment and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 1, line 6, strike out "\$5,844.29" and insert "\$3,700."

The Senate amendment was agreed to.

A motion to reconsider was laid on the table.

#### REGISTRATION OF CERTAIN ORGANIZATIONS REQUIRED

Mr. HOBBS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 10094) to require the registration of certain organizations carrying on activities within the United States, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HOBBS. Mr. Speaker, I ask unanimous consent that the statement of the managers on the part of the House may be read in lieu of the report.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The Clerk read the statement of the managers on the part of the House.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10094) to require the registration of certain organizations carrying on activities within the United States, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 6, 9, 10, 11, 12, 13, 15 and 17.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 7, 14 and 16, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows: Strike out "and a copy of the minutes or journal of every such meeting" as proposed by the Senate amendment, and strike out the word "such" on page 5, line 21, and the Senate agree to the same.

HATTON W. SUMNERS,  
SAM HOBBS,  
U. S. GUYER,  
C. E. HANCOCK,

*Managers on the part of the House.*

TOM CONNALLY,  
EDWARD R. BURKE,  
JOHN A. DANAHER,

*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10094) to require the registration of certain organizations carrying on activities within the United States, and for other purposes, submit the following explanation of the effect of the action agreed upon in conference, and recommended in the accompanying conference report:

Amendments numbered 4, 5, 6, 9, 10, 11, 12, 13, 15 and 17 proposed to insert the word "known" at various places in the bill. The managers on the part of the House were of the opinion that the inclusion in the Act of the word "known" in the several instances would have required that the organizations in filing the required information be charged with knowledge of the existence of the branch or chapter and this would place an unnecessary burden of proof upon the Government in a prosecution. The Senate recedes from these several amendments.

Amendment numbered 1 offered a substitute definition for the term "organization" and removed the language granting discretion to the Attorney General to make determinations. The House agrees to the amendment.

Amendment numbered 2 offered a substitute definition for the term "political activity", defining it to mean any activity the purpose or aim of which, or one of the purposes or aims of which is the control by force, or overthrow of the government of the United States or a political subdivision thereof or any State or political subdivision thereof. The House bill defined "political activity" as any activity the purpose or aim of which, or one of the purposes or aims of which is the establishment, control, conduct, seizure or overthrow of a government or political subdivision thereof. The House agrees to the amendment.

Amendment numbered 3 merely clarifies by specific exemption any nationally recognized organization of persons who are veterans of the armed forces of the United States or affiliates, from the operation of the Act. The House agrees to the amendment.

Amendment numbered 7 merely adds the word "and" to perfect the grammar. The House agrees to the amendment.

Amendment numbered 8 removed the requirement of the filing of copies of the minutes or journal of every meeting of organizations required to register. The House agrees to the amendment with a minor grammatical correction striking out the word "such" on page 5 in line 21.

Amendment numbered 14 would require the furnishing of the name of the author and name and address of the publisher of the literature of organizations required to register. The House agrees to the amendment.

Amendment number 16 strikes out, on page 7, lines 7 and 8, the words "and of each branch, chapter, and affiliate of the organization". The House agrees to the amendment.

HATTON W. SUMNERS,  
SAM HOBBS,  
U. S. GUYER,  
C. E. HANCOCK,

*Managers on the part of the House.*

The SPEAKER. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

#### TOBACCO CLASSIFICATION

Mr. FLANNAGAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4374) to amend the Agricultural Adjustment Act of 1938, which is on the Speaker's desk.

The Clerk read the title of the bill.

Mr. FLANNAGAN. Mr. Speaker, if the Chair will indulge me, I may say that this bill was called up last week, but because it had not been formally acted upon by the House committee it was objected to. The committee met this morning and unanimously reported the bill. I have had the matter up with the gentleman from Kansas [Mr. HOPE].

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

Mr. SECCOMBE. Mr. Speaker, I object.

#### EXTENSION OF REMARKS

Mr. COFFEE of Washington. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD on two topics and in one to include a letter written to me by the chairman of the House Committee on Ways and Means.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BLOOM. Mr. Speaker, I ask unanimous consent to extend my remarks on two subjects and to insert two editorials.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. GEYER of California. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include an article and an editorial.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MUNDT. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein a newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and to include therein a table from the Farm Credit Administration.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

#### A THIRD TERM—EVEN IF A WAR BE NECESSARY TO GET IT

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, Roosevelt, seeking a third term, knowing our people do not want to repeat their experience of 1917 and would vote against the man who frankly announced his purpose of involving us in war, made the statement, "I hate war." His sincerity should be judged in the light of previous statements and of his conduct.

Many times he told us that, unless we lived within our income, our Nation would be bankrupt, but without exception each year of the 7 during which he has been in power, we have gone, on an average, more than \$3,000,000,000 in debt. He may hate bankruptcy, but he is giving it to us. Said one thing—did the opposite.

Roosevelt told us that he would reduce expenses, lessen the number of Federal employees; that such was the only safe course. For 7 years he has been increasing expenses, adding to the number of Federal employees. Announced a good policy—refused to follow it.

Many, many other instances might be cited and it should not be forgotten that, from the time of his "aggressor" speech at Chicago, he has been consistently and continuously doing those things which bring war to a nation.

Now, having lost faith in the American way of doing things, he tells us in substance that there is no man other than himself—no; not even in the Democratic Party nor for that matter, in his New Deal official family—who is honest enough, intelligent enough, patriotic enough to take up and carry on the duties of the Presidency; that he alone has the ability and patriotism to be President. His thought is an insult to every American boy who aspires to be President or to high official position.

He said he was willing to sacrifice himself and, although he does not want the office, if we insist he will again accept it. Why? Because, forsooth, no other man is qualified. Rot and nonsense. The same thought was in the mind of every king or emperor of bygone days. Presumably, Roosevelt will die sometime. If his theory is correct, what will this Nation do when he is gone?

"I hate war," says Candidate Roosevelt. But for more than a year he has been proceeding, and he is now driving, toward war. Do you doubt it? Stop and think. You know he is.

#### SAFE IN A SWIVEL CHAIR

But who is going to fight this war? Not the President; not the President's sons. Jimmie and Elliott, in spite of the President's statement that we must have conscription and that voluntary enlistment was not the democratic way to get an army, have both enlisted. No; they did not enlist as privates at \$21 to \$30 a month. They got in by special favor—two of the privileged few. They landed as captains in swivel-chair jobs at a comparatively fat salary. They, too, hate war, and, in their present positions, will see none of it except that part which has to do with attending military balls, wearing gold-braid uniforms, and dancing with entertaining partners. While Wendell Willkie was fighting as a soldier in the last war, Franklin D. Roosevelt held down a swivel-chair job in the Navy Department at Washington.

AN EMERGENCY CAN BE USED IN THE CAMPAIGN FOR A THIRD TERM

We all hate war, but the difference between most of us and Candidate Roosevelt is that we really want to stay out of it while he really wants us in it. The threat of war, the danger of war, is his latest emergency. He will keep it

going at least until after election; then he may find another, or by that time he may have us in war.

#### IT IS BETTER TO BE SAFE THAN SORRY

Just remember that if you wake up the morning after election and find that Franklin the indispensable has been reelected and he involves us in war, you will have 4 more years of it and of him. You can't do as the English did with Chamberlain—call for an election and kick him out. With all his waste, with all his extravagance, with all his desire to meddle in foreign affairs, you reelect him November 5 and you have him and his new dealers and political racketeers for 4 years more. And during that 4 years he will complete the job, which Wallace said should be done, of remaking America.

If the American people want 4 more years of unemployment, of depression, of spending and waste—we have had almost 8—and on top of it 4 years of wear, it is their privilege and they can get it by voting for Roosevelt. But we should not forget that, if we vote for it, we should take what follows without whimpering. But—

#### "DO NOT SEND A BOY TO MILL"

An old saying from pioneer days, when many a family depended upon the grist brought home from the neighborhood mill. Menfolk being busy, some families entrusted the taking of the precious sack of grain and the return of the ground flour or meal to a minor son of the family, who usually traveled on horseback. All too often the young man, distracted by hunting, fishing, or wayside gossip, failed to return the precious flour; then the family found itself lacking a necessity of life. So came the admonition, "Don't send a boy to mill." As a Nation we have reached the point where we, too, no longer can safely "send a boy to mill."

Because of the world-wide depression following the first World War, we threw out Hoover; elected Roosevelt, who promised to end unemployment, return prosperity, bring about domestic peace.

Unfortunately for us, like the boy on his way to the mill, Roosevelt's attention was distracted. He forgot his mission. He listened to those who told him our way of life was all a mistake; that our forefathers lacked wisdom; that work, sacrifice, and thrift were unnecessary; that we should go on a joy ride on borrowed money.

Forgetting his grist, the mill, the return home, the need of the Nation, Roosevelt has indulged in experiment after experiment. He has failed to solve the question of unemployment; to keep the solemn promises he so glibly made. He has pushed us along the road toward national bankruptcy; by his bellicose statements and unneutral acts, incurred the ill will of all but one of the powerful nations of the world. Contrary to Washington's advice, he has involved us in foreign entanglements and now seeks, through a third and no doubt a fourth and subsequent terms, to establish himself as a dictator.

It is time, if this Nation is to be saved, that the playboy—Roosevelt—no longer be entrusted with the destiny of our Nation. Whether we have peace or war, as our leader we should select one who believes in our form of government, who has faith in us, who will not seek to remake America, who will turn as he has turned a deaf ear to the Communists—Roosevelt accepted their support—who has behind him a record of achievement, a man who believes in God and in country, a man who keeps his promises, a man who will give us efficient preparation for national defense, and if the worst comes, sound, sensible, productive leadership in war, a man who does things—Wendell Willkie—rather than a Roosevelt, who talks about doing things, who wastes other people's money, who is more interested in world politics than he is in the well-being of his own country.

If we reelect Roosevelt for a third term, he will have reason to believe that he is indispensable, will consider the election results as a mandate to carry on a "total" war in Great Britain's behalf against the rest of the world. He will send American men and American ships wherever he may think they should go and, without a friendly powerful ally in the whole wide world, we, peace-loving America, will

be carrying on with the faltering aid of Great Britain a world-wide war. And for what?

True, the American people have a rendezvous with destiny. It is at the polls on election day, November 5, when once for all this Nation should unmistakably declare that no man is indispensable, that it does not need and will not have a dictator, that it will choose, rather, a man of the people, a typical American, and continue under a constitutional government, where every man will have equal opportunity, where every man will be free, equal before the law, and able to live under a government of laws rather than of one man.

#### EXTENSION OF REMARKS

Mr. HORTON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an article in today's News by Hugh S. Johnson.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming [Mr. HORTON]?

There was no objection.

Mr. CULKIN. Mr. Speaker, I ask unanimous consent to extend my own remarks on the river and harbor bill.

The SPEAKER. Is there objection to the request of the gentleman from New York [Mr. CULKIN]?

There was no objection.

Mr. CONNERY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a letter I have received from World War veterans of the United States merchant marine and also to extend my remarks in the RECORD on the subject of the importation of alien labor by the Bata Shoe Co., of Belcamp, Md.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. CONNERY]?

There was no objection.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a speech made by our distinguished colleague the gentleman from Connecticut [Mr. SMITH].

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK]?

There was no objection.

The SPEAKER. Under a previous order of the House, the gentleman from West Virginia [Mr. RANDOLPH] is recognized for 15 minutes.

#### THE GROWTH AND IMPORTANCE OF AMERICAN NEWSPAPERS

Mr. RANDOLPH. Mr. Speaker, from October 1 to 8 we have been having the observance of National Newspaper Week in the United States of America. There are many newspapermen, former editors and former reporters, who are in this body and some who still are actively engaged in various fields of journalism.

Mr. Speaker, the newspaper is one of the most important agencies in the world for the weaving of the fabric of thought and action. It is my belief that present-day newspapers are justifying their importance and power. For the most part, the dailies and weeklies scattered throughout our land, are giving to the people intelligent editorial comment and unbiased news reporting. [Applause.]

I think that we should look at the contrast between the first American newspaper and the modern metropolitan weekly and daily as they exist today.

#### FIRST NEWSPAPER IN 1704

It was in 1704 in the back room of a little Boston, Mass., book store that the first journal was conceived and printed in this country. There were just a few hundred copies of the meager news which had to be gathered from a reservoir of several days. Now, we have the modern daily newspaper, in from 1 to 10 editions, carrying a complete and accurate story of events which have happened not only in our own country but throughout the world just a few minutes and a few hours previously. If this were not a daily occurrence, we would not believe that in this country for a few pennies we could have delivered to our door each morning and evening, and to our places of business, the modern newspaper filled with its recording of events from every corner of the

world. Carried therein are its market reports, its comics, its editorials, its political comment, features of every kind, augmented by proper and interesting advertising.

#### POETRY OF THE PRESS

I am thinking now of the poetry of the newspaper as it has been graphically expressed by Sprague, who said:

Turn to the press—its teeming sheets survey,  
Big with the wonders of each passing day;  
Births, deaths, and weddings; forgeries, fires, and wrecks,  
Harangues and hallstones, brawls, and broken necks.  
Trade hardly deems the busy day begun,  
Till his keen eye along the sheet has run;  
The blooming daughter throws her needle by  
And reads her schoolmate's marriage with a sigh.  
While the grave mother puts her glasses on  
And sheds a tear for some old crony gone.  
The preacher, too, his Sunday theme lays down  
To see what last new folly fills the town;  
Lively or sad, life's meanest, mightiest things  
The fate of fighting cocks, or fighting kings.

[Applause.]

Mr. Speaker, the early colonists in this country felt the need for some type of journal. Five hundred copies was considered a large issue. Today even the smallest country weekly runs into several thousand copies. There were no common carriers in that day except an inefficient post service, and a journal was limited by the bounds of the community. There were not enough events that could be gathered to furnish the news, and editors were fearful to voice their opinions and receive the reaction of their readers. Once a courageous printer of that day made certain stirring comment. He was thrown into jail and suffered the suspension of his newspaper.

As we come to 1750—and carrying over to the first of the American Revolution—we find that there was a new note in the make-up of our newspapers. There was a note of independence and self-reliance, and a growing political discontent. Editorials were written in strong language. Thus we had the laying of a Democratic foundation for the future America.

#### BECAME POLITICAL ORGANS

Coming to the days of the nineteenth century, the newspapers became potent as organs of political parties. Men not engaged in actual newspaper work wrote the editorials. Individuals from other professions acted as editors. Men like Thomas Jefferson and James Madison filled newspapers with their political essays. There were few good editors. News gathering was not stressed. Advertisements were hard to get. The newspaper then was looked upon as more or less of a charitable institution which should be supported.

Then came the transitional period in the history of our American newspaper life. We found the influx of the intelligent thinkers and writers. The personal tone came into dominance. There was Charles A. Dana, of the old New York Sun; there was Joseph Medill, of the old Chicago Tribune; there was Horace Greeley; there was George D. Prentice; there was "Marse" Henry Watterson.

#### BENNETT LED THE WAY

Then came the rise of the modern newspaper with up-to-date methods of gathering news and disseminating it. I think it might be well for us to reflect a moment on the fact that it was James Gordon Bennett, of the old New York Herald, who for the first time in the history of this country brought trained reporters into a newspaper organization. He gave for the first time in America the quotations of Wall Street, the news of club and society activities, coverage of sports, and reviews of one type or another which shocked the staid newspaper producers of that day, but soon they saw he was on the right track and adopted his methods.

#### LEADERS PRAISE THE PRESS

In the last few weeks we have had the Presidential nominees of both the Democratic and the Republican Parties pay tribute to the present-day strength of the American press, and rightly have they given recognition to the newspapers of America. Wendell Phillips said in his day, in speaking of the newspaper—

It is parent, school, college, pulpit, theater, example, counselor, all in one. Let me make the newspaper and I care not who makes the laws.

Daniel Webster said:

In popular government the free press is the most important of all agencies and instruments.

William Jennings Bryan said:

The lawyer can serve his country only occasionally, but the journalist every day. The minister's message gets itself uttered once in 7 days, but the journalist's seven times, line upon line, precept upon precept.

As I bring this short address to a close, I know that in the past years there have been many charges that the newspapers of this country lean toward "yellow" and sensational journalism. Perhaps the criticism is well-founded in some instances, but I believe the great majority of the newspapers of the country attempt to stress the good rather than the bad and at the same time desire to give the people of the Nation the news of the day. There was a time when a Democratic newspaper would be called a traitor if it admitted a Democratic defeat, or visa versa, but today our newspapers on the editorial pages take one position, and on the news pages give accurate, straight, informational reporting. That is a healthy condition. No coercion exists.

#### NO DICTATORIAL JOURNALISM

The American people can be proud of that type of free press in the United States of America, and we can well pause for just a moment to think of the contrast of our press with the press as we find it in many European countries, where not a single line written can be read by the people until it has had the okay of the dictatorial government in power in that particular country.

Let us remember that the American press is the friend, is the counselor, is the educator, is the mold of public opinion. Although as Members of this body we do not always agree or find favor with what is done in the newspaper field, let us be happy that we live in a country where the press of the Nation is free, and for the most part is honest and independent, and is a reflection of all that is progressive, right, and good in this democracy of yours and mine. [Applause.]

#### PUBLIC HEALTH SERVICE HOSPITALS

Mr. BLAND. Mr. Speaker, I ask unanimous consent that the bill (H. R. 10574) to provide for free treatment in Public Health Service hospitals of certain persons engaged in maritime employment, which was referred to the Committee on Interstate and Foreign Commerce, be instead referred to the Committee on Merchant Marine and Fisheries. This request is made with the consent of the chairman of the Committee on Interstate and Foreign Commerce.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

#### THE LATE JUSTICE OLIVER WENDELL HOLMES

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (S. J. Res. 258) to provide for the use and disposition of the bequest of the late Justice Oliver Wendell Holmes to the United States, and for other purposes. This is the bill which relates to the memorial in honor of the late Justice Oliver Wendell Holmes.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. TREADWAY. Reserving the right to object, Mr. Speaker, I hope no objection will be raised to the consideration of this measure. It was originally brought to the attention of the Committee on the Library and a board was set up to see what could be done in relation to the legacy left by the late Justice Holmes to the Federal Government. The Board which was set up, of which the gentleman from Massachusetts [Mr. McCORMACK] and the gentleman from Massachusetts [Mr. WIGGLESWORTH] were members, has brought in this report. Certainly the Congress ought to adopt it unanimously.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

LXXXVI—840

The Clerk read the joint resolution, as follows:

*Resolved, etc.,* That the committee selected pursuant to section 3 of Public Resolution No. 124, Seventy-fifth Congress, approved June 22, 1938, to make recommendations to the Congress concerning the use of the bequest and devise made to the United States by Oliver Wendell Holmes, late an Associate Justice of the Supreme Court of the United States, is authorized to execute the functions vested in it by this joint resolution. Any vacancy occurring in the membership of such committee (hereinafter referred to as the "committee") shall be filled by the selection of a person selected in the same manner as his predecessor was selected. In carrying out the provisions of this joint resolution, the committee is authorized to utilize voluntary and uncompensated services and, with the consent of any Federal agency, to utilize the facilities and personnel of such agency. The committee is authorized to make any additional recommendations to the Congress which it deems desirable. Upon the completion of its work, the committee shall transmit a final report to the Congress and shall thereupon cease to exist.

SEC. 2. The committee shall prepare for publication a memorial volume designed to perpetuate the memory of Justice Holmes and to make readily available to the public the best expressions of his thought. Such volume shall contain such of the writings of Justice Holmes as are selected by the committee, and shall contain such additional matter and such illustrations as the committee may determine. The Librarian of Congress shall make available to the committee the facilities of, and the services of the personnel of, the Library of Congress to assist the committee in the preparation of such volume.

SEC. 3. The Public Printer is authorized and directed to cause to be printed and bound in the Government Printing Office, in a manner and form approved by the committee, such number of copies of the memorial volume prepared by the committee as the committee shall determine. The Superintendent of Documents shall distribute free of cost copies of such volume to such libraries, institutions, and other organizations and persons as the committee may designate. Copies of such volume which are not distributed free of cost shall be made available by the Superintendent of Documents for sale to the public at a price, notwithstanding any other provision of law, determined by the Public Printer to represent the actual cost of printing, binding, and distribution. The cost of printing and binding all of the copies of such volume shall be paid from money appropriated from the money in the Treasury to the credit of the account "Donations to the United States, Bequest of Oliver Wendell Holmes" (hereinafter referred to as the "Holmes fund"). Receipts from the sales of copies of such volume shall be covered into the Holmes fund so long as that fund is carried on the books of the Treasury, and thereafter such receipts shall be covered into the general fund of the Treasury.

SEC. 4. The Architect of the Capitol is authorized and directed, under the direction of the committee, to acquire on behalf of the United States, by purchase, condemnation, or otherwise, that part of the property in square 759 in the District of Columbia which the Architect of the Capitol, with the approval of the committee, determines will provide a suitable site for the garden to be established pursuant to section 5.

SEC. 5. (a) The Architect of the Capitol, under the direction of the committee, is authorized and directed to establish on the land acquired pursuant to section 4 a memorial garden designed to perpetuate the memory of Justice Holmes and to commemorate the love of beauty and of the quiet open spaces of the city of Washington, to which he often gave expression. The garden so established shall be known as the Oliver Wendell Holmes Garden.

(b) The plans and designs of such garden, including the plans and designs for all grading and landscaping and all structures to be erected and other improvements to be made on the land acquired pursuant to section 4, shall be selected by the Architect of the Capitol, with the approval of the committee and of the National Capital Park and Planning Commission, from plans and designs submitted in open competition. The manner of holding such competition and the amount to be paid for such plans and designs shall be determined by the Architect of the Capitol, with the approval of the committee. Expenditures made for carrying out the provisions of this section shall be made from moneys appropriated from the Holmes fund.

(c) The committee is authorized to make arrangements for appropriate ceremonies for the dedication of such garden upon its completion.

SEC. 6. After the completion and dedication of such garden, it shall be maintained and cared for by the Architect of the Capitol in accordance with the provisions of law applicable with respect to the maintenance and care of the grounds of the United States Supreme Court Building.

SEC. 7. (a) For the purposes of this joint resolution, the Architect of the Capitol is authorized, under the direction of the committee—

(1) To provide for the demolition and removal of any structures on the land acquired pursuant to section 4 and for the sale or other disposition of any materials of which they are constructed.

(2) Pending the demolition of such structures, to lease any of the property so acquired for such periods and under such terms and conditions as he may deem most advantageous to the United States; to provide, out of such appropriations as may be made for such purpose, for the maintenance, repair, and protection of such property; and to incur such expenses as may be necessarily incident to the jurisdiction and control over such property. Any

proceeds received under this paragraph or paragraph (1) shall be covered into the Treasury as miscellaneous receipts. The Architect of the Capitol shall include in his annual report a detailed statement of his activities under this paragraph during the period covered by such report.

(3) To enter into contracts; to purchase materials, supplies, equipment, and accessories in the open market; to employ necessary personnel, including professional services, without regard to other laws relating to the employment or compensation of personnel; and to make such expenditures as may be necessary or appropriate.

(b) All lands within the area determined pursuant to section 4 which are subject to the jurisdiction of the Commissioners of the District of Columbia are transferred to the jurisdiction of the Architect of the Capitol. The Architect of the Capitol is authorized to close any alley within such area and is authorized, with the approval of the committee, to permit any portion of the land acquired pursuant to section 4 to be used as an alley so long as such use is necessary.

(c) All funds expended by the Architect of the Capitol pursuant to this joint resolution shall be disbursed by the Division of Disbursement of the Treasury Department.

SEC. 8 (a) The Commissioner of Public Buildings, in the Federal Works Agency, is authorized and directed, on behalf of the United States, to sell and convey title to the land and improvements thereon known as 1720 Eye Street NW., in the District of Columbia, the former residence of Justice Holmes. Such sale may be made pursuant to advertisement or otherwise upon such terms and conditions, and subject to such covenants with respect to demolition of the building and such other restrictive covenants, as may be approved by the committee. The Commissioner of Public Buildings is authorized to provide, by contract or otherwise and subject to the approval of the committee, for the demolition of the building upon such land prior to the sale of the land.

(b) The costs of any advertisement, appraisal, broker's fee, or commission incident to the sale of such property, and any costs incurred under this section for demolition of the building, shall be paid from the proceeds of the sale; and the funds of the Public Buildings Administration shall be reimbursed from such proceeds for any of such costs which shall have been paid from the funds of such Administration. The balance of the proceeds of the sale shall be covered into the Treasury to the credit of the account of the Holmes fund.

SEC. 9. There are hereby authorized to be appropriated, out of the money in the Treasury to the credit of the Holmes fund, such sums as may be necessary to carry out the provisions of sections 3 and 5 of this joint resolution; and there are hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out the other provisions of this joint resolution.

SEC. 10. Upon the transmission to the Congress of the final report of the committee, any money in the Treasury to the credit of the account of the Holmes fund shall be covered into the general fund of the Treasury as miscellaneous receipts.

The joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H. J. Res. 550) was laid on the table.

#### EXTENSION OF REMARKS

Mr. MOSER asked and was given permission to revise and extend his own remarks in the RECORD.

The SPEAKER. Under previous order of the House, the gentleman from Oregon [Mr. ANGELL] is recognized for 30 minutes.

Mr. ANGELL. Mr. Speaker, in view of the fact that my colleagues want to hold a conference and decide what should be done about the coming election, I ask unanimous consent that my special order may go over until tomorrow at the conclusion of the legislative program of the day.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

The SPEAKER. Under the previous order of the House, the gentleman from Michigan [Mr. HOFFMAN] is recognized for 10 minutes.

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. BROOKS, for 10 days, on account of important business.

To Mr. SHANLEY, for today, on account of nominating convention being held in Connecticut.

To Mr. MAY, indefinitely, on account of sickness in family.

To Mr. SNYDER, for today, on account of attending funeral of his father-in-law.

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2753. An act to amend part I of the Interstate Commerce Act, as amended, with respect to the use of refrigerator cars; to the Committee on Interstate and Foreign Commerce.

S. 4249. An act for the relief of the widows of the late George A. Meffan and John Glenn; to the Committee on Claims.

#### ENROLLED BILLS SIGNED

Mr. PARSONS, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 5053. An act for the relief of Verdie Barker and Fred Walter;

H. R. 5937. An act to confer jurisdiction on the Court of Claims to hear and determine the claim of Lamborn and Co.;

H. R. 8621. An act to amend the Civil Service Retirement Act and other retirement acts;

H. R. 9654. An act to extend, for an additional year, the provisions of the Sugar Act of 1937 and the taxes with respect to sugar;

H. R. 9851. An act authorizing special arrangements in the transportation of mail within the Territory of Alaska;

H. R. 9980. An act to revise and codify the nationality laws of the United States into a comprehensive nationality code;

H. R. 10122. An act to amend an act entitled "An act authorizing construction of water conservation and utilization projects in the Great Plains and arid and semiarid areas of the United States," approved August 11, 1939 (53 Stat. 1418), and an act entitled "An act to promote conservation in the arid and semiarid areas of the United States by aiding in the development of facilities for water storage and utilization, and for other purposes," approved August 28, 1937 (50 Stat. 869);

H. R. 10464. An act to assist in the national-defense program by amending sections 3477 and 3737 of the Revised Statutes to permit the assignment of claims under public contracts;

H. R. 10518. An act granting the consent of Congress to the Department of Highways and the county of Big Stone, State of Minnesota, to construct, maintain, and operate a free highway bridge across the Whetstone Diversion Channel at or near Ortonville, Minn.;

H. R. 10539. An act making supplemental appropriations for the support of the Government for the fiscal year ending June 30, 1941, and for other purposes; and

H. R. 10572. An act making supplemental appropriations for the national defense for the fiscal year ending June 30, 1941, and for other purposes.

The SPEAKER announced his signature to enrolled bills and a joint resolution of the Senate of the following titles:

S. 844. An act to simplify the accounts of the Treasurer of the United States, and for other purposes;

S. 3990. An act to transfer the essential language of section 518, title IV, of the Tariff Act of 1930, approved June 17, 1930, into the Judicial Code of the United States and to provide for its reenactment as part of said Judicial Code, to take effect from the date of its passage, including the allowance to the judges of the United States Customs Court for traveling expenses incurred for maintenance while absent from New York on official business and to repeal all acts inconsistent therewith to the extent of such inconsistency, and for other purposes; and

S. J. Res. 225. Joint resolution relating to the conditions for payment with respect to sugarcane harvested from certain plantings in the mainland cane-sugar area.

#### ADJOURNMENT

Mr. McCORMACK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 35 minutes p. m.) the House adjourned until tomorrow, Tuesday, October 8, 1940, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

1983. Under clause 2 of rule XXIV a letter from the Acting Secretary of the Interior, transmitting one copy each of the legislation passed by the Municipal Council of St. Croix, was taken from the Speaker's table and referred to the Committee on Insular Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. SUMNERS of Texas: Committee of conference on the disagreeing votes of the two Houses. H. R. 10094. A bill to require certain organizations carrying on activities within the United States to register and for other purposes (Rept. No. 3024). Referred to the Committee of the Whole House on the state of the Union.

Mr. JONES of Texas: Committee of conference on the disagreeing votes of the two Houses. S. 4107. A bill to transfer the jurisdiction of the Arlington Farm, Virginia, and for other purposes (Rept. No. 3025). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLER: Committee on the Library. Senate Joint Resolution 301. Joint resolution to authorize the acquisition of a suitable frame for the painting of the signing of the Constitution to be used in mounting said painting in the Capitol Building; with amendment (Rept. No. 3027). Referred to the Committee of the Whole House on the state of the Union.

Mr. MANSFIELD: Committee of conference on the disagreeing votes of the two Houses. H. R. 9972. A bill authorizing improvements on certain rivers and harbors in the interest of national defense; and for other purposes (Rept. No. 3028). Referred to the Committee of the Whole House on the state of the Union.

Mr. LANHAM: Committee of conference on the disagreeing votes of the two Houses. H. R. 10412. A bill to expedite the provisions of housing in the interest of national defense (Rept. No. 3029). Referred to the Committee of the Whole House on the state of the Union.

Mr. MAY: Committee of conference on the disagreeing votes of the two Houses. S. 4270. A bill pertaining to Soldiers' and Sailors' Civil Relief Act of 1940 (Rept. No. 3030). Referred to the Committee of the Whole House on the state of the Union.

#### ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. VINSON of Georgia: Committee on Naval Affairs. House Resolution 614. Resolution requesting certain information from the Secretary of the Navy (Rept. No. 3026). Referred to the Committee of the Whole House on the state of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DELANEY:

H. R. 10619. A bill for the relief of certain aliens employed at the World's Fair in New York City; to the Committee on Immigration and Naturalization.

By Mr. HILL:

H. R. 10620. A bill to provide for the national defense by directing the making of experiments in the use of chromium trioxide in the making of cement mortar; to the Committee on Interstate and Foreign Commerce.

By Mr. PACE:

H. R. 10621 (by request). A bill to amend the Agricultural Adjustment Act of 1938, as amended, for the purpose of regulating interstate and foreign commerce in peanuts, and for other purposes; to the Committee on Agriculture.

By Mr. PIERCE:

H. R. 10622. A bill to safeguard and preserve the public interest in the timber resources of the States of Oregon and Washington through the alleviation of the conditions which are forcing the premature and uneconomic liquidation of such timber resources and thereby are preventing the establishment of sound and permanent forest economy which is vital to the future welfare and security of the two States and of the Nation; to provide for more efficient and better coordinated administration of public forest lands; and for other purposes; to the Committee on Agriculture.

H. R. 10623. A bill for the relief of certain Indians; to the Committee on Indian Affairs.

By Mr. VINSON of Georgia:

H. R. 10624. A bill to extend the provisions of section 6 of the act of June 28, 1940 (Public, No. 671, 76th Cong., 3d sess.), to the Federal Bureau of Investigation of the Department of Justice; to the Committee on Naval Affairs.

By Mr. WHITTINGTON:

H. R. 10625. A bill to authorize a preliminary examination and survey of certain rivers and their tributaries on the islands of St. Croix and St. Thomas, V. I., for flood control, for run-off and water-flow retardation, and for soil-erosion prevention; to the Committee on Flood Control.

By Mr. DONDERO:

H. R. 10626. A bill to provide for the placing of a copy of the Constitution of the United States and of the Declaration of Independence in each United States post office; to the Committee on the Post Office and Post Roads.

By Mr. VAN ZANDT:

H. R. 10627. A bill to amend Public Law No. 783, Seventy-sixth Congress, so as to exempt 3-year Regular Navy, Marine Corps, or Coast Guard members from selective training in service; to the Committee on Military Affairs.

By Mr. SMITH of Virginia:

H. J. Res. 612. Joint resolution staying effect of rulings of agencies of the Government; to the Committee on the Judiciary.

By Mr. GEYER of California:

H. J. Res. 613. Joint resolution to declare the policy of the Government of the United States in regard to tide and submerged lands; to the Committee on the Judiciary.

By Mr. TAYLOR:

H. J. Res. 614. Joint resolution making an additional appropriation for national-defense housing for the fiscal year ending June 30, 1941, and for other purposes; to the Committee on Appropriations.

By Mr. ANGELL:

H. Res. 621. Resolution directing the Tariff Commission to investigate the production costs of crab meat, crab paste, and crab sauce; to the Committee on Ways and Means.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CROSSER:

H. R. 10628. A bill granting a pension to Violet Dodds Roberts Bell; to the Committee on Invalid Pensions.

By Mr. DAVIS:

H. R. 10629. A bill for the relief of Caffey Robertson-Smith, Inc.; to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

9345. By Mr. MARTIN J. KENNEDY: Petition of the Chamber of Commerce of the State of New York, urging that no steps be taken to carry out the power-development plan of the St. Lawrence Waterway project as a defense measure until it can be proved beyond a reasonable doubt that there is an imperative defense need for such power which could not be met more expeditiously and with greater economic advantage by other existing or potential resources; to the Committee on Interstate and Foreign Commerce.

9346. Also, petition of the Chamber of Commerce of the State of New York, urging prompt enactment of the McCormack bill (H. R. 9669) amending the National Stolen Property Act, or similar legislation, to the end that any property seized in violation of law or confiscated by a foreign government may not be disposed of in the United States; to the Committee on Ways and Means.

9347. By Mr. MERRITT: Resolution of the City Council of the City of Newburgh, N. Y., stating that the City Council of the City of Newburgh, N. Y., requests that a ground aviation mechanic center be established in connection with Stewart Airfield at Newburgh, N. Y., and the United States Military Academy, West Point; to the Committee on Military Affairs.

9348. Also, resolution of the Tax Control League of Queens County, N. Y., urging that legislation be enacted to bring about an investigation of the Inspection Division of the Federal Housing Administration; to the Committee on Rules.

9349. By Mr. COFFEE of Washington: Petition of the Buckley Kiwanis Club, of Buckley, Wash., in form of letter, setting forth that such organization favors the absolute interdiction by the United States of all exports to Japan susceptible of use for military or naval purposes, further urging the passage by Congress of any and all measures designed to advocate such an objective; to the Committee on Foreign Affairs.

## SENATE

TUESDAY, OCTOBER 8, 1940

(Legislative day of Wednesday, September 18, 1940)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

Rev. Duncan Fraser, assistant rector, Church of the Epiphany, Washington, D. C., offered the following prayer:

Almighty God, who hast revealed Thyself to men through Thy Son, Jesus Christ, and hast hallowed the common ways of life in the breaking of bread: Grant us grace, we beseech Thee, so to see Thy presence and the abiding joy which lies in the little things of home that presently surround us, yet which so oft escape our sight, that, having found Thee in the simple ways of life, we may the better know Thee as Thou art in Thy greater glory. Through the same, Thy Son, Jesus Christ our Lord. Amen.

### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day of Monday, October 7, 1940, was dispensed with, and the Journal was approved.

### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the bill (S. 2617) to authorize the leasing of the undeveloped coal and asphalt deposits of the Choctaw and Chickasaw Nations in Oklahoma, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. 3619) relating to changes in the administration of the National Guard of the United States bearing on Federal recognition, pay, allotment of funds, drill, training, etc., with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 2747. An act relative to annual labor on mineral claims in the Territory of Alaska;

H. R. 7213. An act to safeguard the homing pigeon;

H. R. 10391. An act to increase the authorized numbers of warrant officers and enlisted men in the Army Mine Planter Service, and for other purposes; and

H. R. 10527. An act to provide for an extension of the conditions under which a money allowance for quarters may be paid to certain noncommissioned officers of the Army of the United States.

### CALL OF THE ROLL

Mr. MINTON. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Hayden	Reed
Andrews	Clark, Idaho	Herring	Russell
Ashurst	Clark, Mo.	Holt	Schwartz
Austin	Connally	Johnson, Calif.	Schweilenbach
Bailey	Danaher	Johnson, Colo.	Shipstead
Barbour	Davis	King	Stewart
Barkley	Ellender	McKellar	Thomas, Okla.
Bone	George	Maloney	Thomas, Utah
Bridges	Gerry	Minton	Townsend
Bulow	Gibson	Murray	Van Nuys
Burke	Gillette	Norris	Wagner
Byrd	Glass	O'Mahoney	Walsh
Byrnes	Green	Overton	Wheeler
Capper	Gurney	Pepper	White
Caraway	Harrison	Radcliffe	Wiley

Mr. MINTON. Mr. President, I announce that the Senator from Kentucky [Mr. CHANDLER] is absent because of illness.

The Senator from Alabama [Mr. BANKHEAD], the Senator from Mississippi [Mr. BLBO], the Senator from Michigan [Mr. BROWN], the Senator from Ohio [Mr. DONAHEY], the Senator from California [Mr. DOWNEY], the Senator from Pennsylvania [Mr. GUFFEY], the Senator from New Mexico [Mr. HATCH], the Senator from Alabama [Mr. HILL], the Senator from Delaware [Mr. HUGHES], the Senator from Oklahoma [Mr. LEE], the Senator from Illinois [Mr. LUCAS], the Senator from Nevada [Mr. McCARRAN], the Senator from New York [Mr. MEAD], the Senator from Arkansas [Mr. MILLER], the Senator from West Virginia [Mr. NEELY], the Senator from Nevada [Mr. PITTMAN], the Senator from North Carolina [Mr. REYNOLDS], the Senator from Texas [Mr. SHEPARD], the Senator from Illinois [Mr. SLATTERY], the Senator from New Jersey [Mr. SMATHERS], the Senator from South Carolina [Mr. SMITH], the Senator from Missouri [Mr. TRUMAN], and the Senator from Maryland [Mr. TYDINGS] are necessarily absent.

Mr. AUSTIN. I announce that the Senator from Oregon [Mr. McNARY], the Senator from Michigan [Mr. VANDENBERG], the Senator from North Dakota [Mr. FRAZIER], the Senator from Oregon [Mr. HOLMAN], the Senator from Massachusetts [Mr. LODGE], the Senator from Ohio [Mr. TAFT], the Senator from Idaho [Mr. THOMAS], the Senator from New Hampshire [Mr. TOBEY], and the Senator from North Dakota [Mr. NYE] are necessarily absent.

The VICE PRESIDENT. Sixty Senators have answered to their names. A quorum is present.

### PROGRAM TO SAFEGUARD AMERICA—LETTER FROM ARTHUR O. LOVEJOY

Mr. RADCLIFFE. Mr. President, I present for publication in the RECORD and reference to the Committee on Foreign Relations a letter addressed to me by Mr. Arthur O. Lovejoy, chairman of the Maryland Branch of the Committee To Defend America by Aiding the Allies.

The VICE PRESIDENT. Without objection, the letter will be received, printed in the RECORD, and referred to the Committee on Foreign Relations.

The letter is as follows:

COMMITTEE TO DEFEND AMERICA BY AIDING THE ALLIES,  
Baltimore, Md., September 28, 1940.

HON. GEORGE L. RADCLIFFE,  
Senate Office Building, Washington, D. C.

MY DEAR SENATOR RADCLIFFE: The CONGRESSIONAL RECORD of September 26 (pp. 19130-19142) and the Baltimore Sun of the following day report speeches and remarks by several Senators in which this committee is attacked, its principles and aims misrepresented, and the motives and good faith of its members aspersed, and an investigation of its activities is called for. No Member of the Senate appears to have seen fit to reply to this attack or to point out these misrepresentations.